

§ 25.109

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pub/R-REG-RR-2012. Incorporation by reference approved for §§25.110(b) and 25.140(a).

(5) Recommendation ITU-R S.1503-2, “Functional description to be used in developing software tools for determining conformity of non-geostationary-satellite orbit fixed-satellite system networks with limits contained in Article 22 of the Radio Regulations,” December 2013, <http://www.itu.int/rec/R-REC-S.1503-2-201312-1>. Incorporation by reference approved for §25.146(a).

[81 FR 55324, Aug. 18, 2016]

§ 25.109 Cross-reference.

(a) Space and earth stations in the Amateur Satellite Service are licensed under 47 CFR part 97.

(b) Ship earth stations in the Maritime Mobile-Satellite Service transmitting in the 1626.5–1646.5 MHz band are subject to licensing under 47 CFR part 80.

(c) Earth stations in the Aeronautical Mobile-Satellite (Route) Service are subject to licensing under 47 CFR part 87.

(d) Space and earth stations in the Experimental Radio Service may be subject to licensing under 47 CFR part 5.

[78 FR 8420, Feb. 6, 2013]

Subpart B—Applications and Licenses

SOURCE: 56 FR 24016, May 28, 1991, unless otherwise noted.

GENERAL APPLICATION FILING REQUIREMENTS

§ 25.110 Filing of applications, fees, and number of copies.

(a) Applications may be filed by going online at licensing.fcc.gov/myibfs and submitting the application through the International Bureau Filing System (IBFS).

(b) *Submitting your application.* (1) All earth station license applications must be filed electronically on FCC Form 312 in accordance with the applicable provisions of part 1, subpart Y of this chapter.

(2) Except as provided in paragraph (b)(3) of this section, applications for space station licenses must be filed electronically on FCC Form 312 in accordance with the applicable provisions of part 1, subpart Y of this chapter and include all information required by §25.114.

(3) A license application for 17/24 GHz BSS space station operation or for GSO FSS space station operation not subject to the provisions in Appendix 30A of the ITU Radio Regulations (incorporated by reference, *see* §25.108) may be submitted in two steps, as follows:

(i) An application for 17/24 GHz BSS space station operation or for GSO FSS space station operation not subject to the provisions in Appendix 30B of the ITU Radio Regulations (incorporated by reference, *see* §25.108) may be initiated by filing with the Commission, in accordance with the applicable provisions of part 1, subpart Y of this chapter, a draft Coordination Request and simplified Form 312 for the proposed operation and a declaration of acceptance of ITU cost-recovery responsibility in accordance with §25.111(d). The simplified Form 312, Main Form submission must include the information required by items 1–17, 43, 45, and 46.

(ii) An application for GSO FSS space station operation subject to the provisions in Appendix 30B of the ITU Radio Regulations (incorporated by reference, *see* §25.108) may be initiated by submitting to the Commission, in accordance with the applicable provisions of part 1, subpart Y of this chapter, a draft ITU filing to convert an allotment into an assignment, to introduce an additional system, or to modify an assignment in the Appendix 30B List accompanied by a simplified Form 312 and a declaration of acceptance of ITU cost-recovery responsibility in accordance with §25.111(d). The simplified Form 312, Main Form submission must include the information required by items 1–17, 43, 45, and 46. In addition, the applicant must submit the results of an analysis demonstrating that no U.S. filing under Appendix 30B would be deemed affected by the proposed operation under the relevant ITU criteria or, for any affected filings, a letter

signed by the affected operator that it consents to the new filing.

(iii) An application initiated pursuant to paragraphs (b)(3)(i) or (b)(3)(ii) of this section will be considered completed by the filing of an FCC Form 312 and the remaining information required in a complete license application, including the information required by § 25.114, within two years of the date of submission of the initial application materials.

(c) All correspondence concerning any application must identify:

- (1) The applicant's name,
- (2) The call sign of the space station or earth station, and
- (3) The file number of the application.

(d) *Copies.* Applications must be filed electronically through IBFS. The Commission will not accept any paper version of any application.

(e) *Signing.* Upon filing an application electronically, the applicant must print out the filed application, obtain the proper signatures, and keep the original in its files.

(f) An applicant must pay the appropriate filing fee in accordance with part 1, subpart G of this chapter, at the time when it files a FCC Form 312.

[69 FR 47793, Aug. 6, 2004, as amended at 78 FR 8420, Feb. 6, 2013; 81 FR 55325, Aug. 18, 2016]

§ 25.111 Additional information, ITU filings, and ITU cost recovery.

(a) The Commission may request from any party at any time additional information concerning any application, or any other submission or pleading regarding an application, filed under this part.

(b) Applicants and licensees of radio stations governed by this part must provide the Commission with the information required for Advance Publication, Coordination, and Notification of frequency assignment filings, including due diligence information, pursuant to the Radio Regulations of the International Telecommunication Union. No protection from interference caused by radio stations authorized by other Administrations is guaranteed unless ITU procedures are timely completed or, with respect to individual Administrations, coordination agreements are

successfully completed. A license for which such procedures have not been completed may be subject to additional terms and conditions required for coordination of the frequency assignments with other Administrations.

(c) In the Direct Broadcast Satellite service, applicants and licensees shall also provide the Commission with all information it requires in order to modify the plans for the Broadcasting-Satellite Service (BSS) in Appendix 30 of the ITU Radio Regulations (RR) and associated feeder-link plans in Appendix 30A of the ITU RR, if the system has technical characteristics differing from those specified in the Appendix 30 BSS Plans, the Appendix 30A feederlink Plans, Annex 5 to Appendix 30, or Annex 3 to Appendix 30A. For such systems, no protection from interference caused by radio stations authorized by other Administrations is guaranteed until the agreement of all affected Administrations is obtained and the frequency assignment becomes a part of the appropriate Region 2 BSS and feeder-link Plans. Authorizations for which coordination is not completed and/or for which the necessary agreements under Appendices 30 and 30A have not been obtained may be subject to additional terms and conditions as required to effect coordination or obtain the agreement of other Administrations. Applicants and licensees shall also provide the Commission with the information required by Appendix 4 of the ITU RR for advance publication and notification or coordination of the frequencies to be used for tracking, telemetry and control functions of DBS systems.

(d) The Commission will submit filings to the ITU on behalf of an applicant, licensee, or other requesting party only after the party has filed a signed declaration of unconditional acceptance of all consequent ITU cost-recovery responsibility. Applicants and licensees must file the declaration electronically in the "Other Filings" tab of the application file in the IBFS database, and must also mail a paper copy to the International Bureau, Satellite Division. In addition, applicants and licensees must reference the call sign and name of the satellite network in the declaration. All cost-recovery

declarations must include the name(s), address(es), email address(es), and telephone number(s) of a contact person, or persons, responsible for cost recovery inquiries and ITU correspondence and filings. Supplements must be filed as necessary to apprise the Commission of changes in the contact information until the ITU cost-recovery responsibility is discharged. The applicant, licensee, or other party must remit payment of any resultant cost-recovery fee to the ITU by the due date specified in the ITU invoice, unless an appeal is pending with the ITU that was filed prior to the due date. A license granted in reliance on such a commitment will be conditioned upon discharge of any such cost-recovery obligation. Where an applicant or licensee has an overdue ITU cost-recovery fee and does not have an appeal pending with the ITU, the Commission will dismiss any application associated with that satellite network.

(e) The Commission will process and forward to the ITU up to five Advance Publication filings by an entity that are not accompanied by a complete space station license application or by an application pursuant to § 25.110(b)(3)(i) or (b)(3)(ii). Such Advance Publication filing requests not contained in an application must be accompanied by a letter request and a signed ITU cost-recovery declaration pursuant to paragraph (d) of this section. A request for filing of Advance Publication information will be attributed to an entity in the same manner as a space station license application under the criteria set forth in § 25.159(c).

NOTE TO PARAGRAPH (e): After June 30, 2016, the Commission will not forward Advance Publication information for satellite networks or systems subject to Article 9, Section II of the ITU Radio Regulations (incorporated by reference, *see* § 25.108).

[56 FR 24016, May 28, 1991, as amended at 67 FR 51113, Aug. 7, 2002; 68 FR 63997, Nov. 12, 2003; 78 FR 8421, Feb. 6, 2013; 79 FR 8314, Feb. 12, 2014; 81 FR 55325, Aug. 18, 2016]

§ 25.112 Dismissal and return of applications.

(a) An application will be unacceptable for filing and will be returned to the applicant with a brief statement

identifying the omissions or discrepancies if:

(1) The application is defective with respect to completeness of answers to questions, informational showings, internal inconsistencies, execution, or other matters of a formal character; or

(2) The application does not substantially comply with the Commission's rules, regulations, specific requests for additional information, or other requirements.

(3) The application requests authority to operate a space station in a frequency band that is not allocated internationally for such operations under the Radio Regulations of the International Telecommunication Union.

(4) The application is identical to a pending application that was timely filed pursuant to § 25.157 or § 25.158.

(b) Applications for space station authority found defective under paragraph (a)(3) or (a)(4) of this section will not be considered. Applications for authority found defective under paragraphs (a)(1) or (a)(2) of this section may be accepted for filing if:

(1) The application is accompanied by a request which sets forth the reasons in support of a waiver of (or an exception to), in whole or in part, any specific rule, regulation, or requirement with which the application is in conflict;

(2) The Commission, upon its own motion, waives (or allows an exception to), in whole or in part, any rule, regulation or requirement.

(c) The Commission will dismiss an application for failure to prosecute or for failure to respond substantially within a specified time period to official correspondence or requests for additional information. Dismissal will be without prejudice unless the application is mutually exclusive pursuant to § 25.155, in which case it will be dismissed with prejudice.

(d) An application will be dismissed without prejudice as a matter of right if the applicant requests its dismissal prior to final Commission action.

[56 FR 24016, May 28, 1991, as amended at 68 FR 51502, Aug. 27, 2003; 79 FR 8314, Feb. 12, 2014; 81 FR 55326, Aug. 18, 2016]

§ 25.113 Station construction, deployment approval, and operation of spare satellites.

(a) Construction permits are not required for earth stations. Construction of such stations may commence prior to grant of an earth station license at the applicant's own risk, subject to the requirements of §1.1312 and part 17 of this chapter concerning environmental processing and construction, marking, and lighting of antenna structures.

(b) Construction permits are not required for Ancillary Terrestrial Component (ATC) stations. A party with licenses issued under this part for launch and operation of 1.5/1.6 GHz or 1.6/2.4 GHz Mobile-Satellite Service space stations and operation of associated ATC facilities may commence construction of ATC base stations at its own risk after commencing physical construction of the space stations, subject to the requirements of §1.1312 and part 17 of this chapter. Such an MSS/ATC licensee may also conduct equipment tests for the purpose of making adjustments and measurements necessary to ensure compliance with the terms of its ATC license, applicable rules in this part, and technical design requirements. Prior to commencing such construction and pre-operational testing, an MSS/ATC licensee must notify the Commission of the commencement of physical satellite construction and the licensee's intention to construct and test ATC facilities. This notification must be filed electronically in the appropriate file in the International Bureau Filing System database. The notification must specify the frequencies the licensee proposes to use for pre-operational testing and the name, address, and telephone number of a representative for the reporting and mitigation of any interference resulting from such testing. MSS/ATC licensees engaging in pre-operational testing must comply with §§5.83, 5.85(c), 5.111, and 5.117 of this chapter regarding experimental operations. An MSS/ATC licensee may not offer ATC service to the public for compensation during pre-operational testing.

(c)-(e) [Reserved]

(f) Construction permits are not required for U.S.-licensed space stations, except for stations that the applicant

proposes to operate to disseminate program content to be received by the public at large, rather than only by subscribers. Construction of a station for which a construction permit is not required may commence, at the applicant's own risk, prior to grant of a license.

(g) Except as set forth in paragraphs (h) and (i) of this section, approval for orbital deployment and a station license (*i.e.*, operating authority) must be applied for and granted before a space station may be deployed and operated in orbit. Approval for orbital deployment may be requested in an application for a space station license. However, an application for authority to deploy and operate an on-ground spare satellite will be considered pursuant to the following procedures:

(1) Applications for deployment and operation of an on-ground spare NGSO-like satellite will be considered pursuant to the procedures set forth in §25.157, except as provided in paragraph (g)(3) of this section.

(2) Applications for deployment and operation of an on-ground spare GSO-like satellite will be considered pursuant to the procedures set forth in §25.158, except as provided in paragraph (g)(3) of this section.

(3) Neither paragraph (g)(1) nor (g)(2) of this section will apply in cases where the space station to be deployed is determined to be an emergency replacement for a previously authorized space station that has been lost as a result of a launch failure or a catastrophic in-orbit failure.

(h) An operator of NGSO space stations under a blanket license granted by the Commission need not apply for license modification to operate technically identical in-orbit spare satellites in an authorized orbit. However, the licensee must notify the Commission within 30 days of bringing an in-orbit spare into service and certify that its activation has not exceeded the number of space stations authorized to provide service and that the licensee has determined by measurement that the activated spare is operating within the terms of the license.

(i) An operator of NGSO space stations under a blanket license granted by the Commission need not apply for

license modification to deploy and operate technically identical replacement satellites in an authorized orbit within the term of the system authorization. However, the licensee must notify the Commission of the intended launch at least 30 days in advance and certify that its operation of the additional space station(s) will not increase the number of space stations providing service above the maximum number specified in the license.

[56 FR 24016, May 28, 1991, as amended at 61 FR 4366, Feb. 6, 1996; 61 FR 9951, Mar. 12, 1996; 61 FR 55582, Oct. 28, 1996; 62 FR 5927, Feb. 10, 1997; 62 FR 64172, Dec. 4, 1997; 68 FR 51502, Aug. 27, 2003; 69 FR 47794, Aug. 6, 2004; 70 FR 32253, June 2, 2005; 77 FR 3954, Jan. 26, 2012; 78 FR 8421, Feb. 6, 2013; 79 FR 8314, Feb. 12, 2014; 79 FR 27503, May 14, 2014; 81 FR 55326, Aug. 18, 2016]

EFFECTIVE DATE NOTE: At 79 FR 27503, May 14, 2014, in § 25.113, in the second sentence in paragraph (b), “1.5/1.6 GHz, 1.6/2.4 GHz, or 2 GHz Mobile-Satellite Service” was corrected to read “1.5/1.6 GHz or 1.6/2.4 GHz Mobile-Satellite Service”. This amendment contains information collection and record-keeping requirements and will not become effective until approval has been given by the Office of Management and Budget.

§ 25.114 Applications for space station authorizations.

(a)(1) A license application filed pursuant to § 25.110(b)(2) for a GSO space station or NGSO space station or space-station constellation must comprise a comprehensive proposal and must be submitted on FCC Form 312, Main Form and Schedule S, with attached exhibits required by paragraph (d) of this section.

(2) An application for blanket authority for an NGSO constellation of space stations that are not all technically identical must provide the information required by paragraphs (c) and (d) of this section for each type of station in the constellation.

(3) For an application filed pursuant to the two-step procedure in § 25.110(b)(3), the filing pursuant to § 25.110(b)(3)(iii) must be submitted on FCC Form 312, Main Form and Schedule S, with attached exhibits as required by paragraph (d) of this section, and must constitute a comprehensive proposal.

(b) Each application for a new or modified space station authorization must contain the formal waiver required by 47 U.S.C. 304.

(c) The following information shall be filed on FCC Form 312, Main Form and Schedule S:

(1) Name, address, and telephone number of the applicant;

(2) Name, address, and telephone number of the person(s), including counsel, to whom inquiries or correspondence should be directed;

(3) Type of authorization requested (*e.g.*, launch authority, station license, modification of authorization);

(4)(i) For each space station transmitting and receiving antenna beam (including telemetry and tracking beams but not command beams), specify channel center frequencies and bandwidths and polarization plan. For command beams, specify each of the center frequencies within a 5 MHz range or a range of 2 percent of the assigned bandwidth, whichever is smaller, and the polarization plan. If the space station can vary channel bandwidth in a particular frequency band with on-board processing, specify only the range of frequencies in that band over which the beam can operate and the polarization plan.

(ii) Specify maximum EIRP and maximum EIRP density for each space station transmitting antenna beam. If the satellite uses shapeable antenna beams, as defined in § 25.103, specify instead maximum possible EIRP and maximum possible EIRP density within each shapeable beam’s proposed coverage area. Provide this information for each frequency band in which the transmitting antenna would operate. For bands below 15 GHz, specify EIRP density in dBW/4 kHz; for bands at and above 15 GHz, specify EIRP density in dBW/MHz. If the EIRP density varies over time, specify the maximum possible EIRP density.

(iii)–(iv) [Reserved]

(v) For each space station receiving beam other than command beams, specify the gain-to-temperature ratio at beam peak. For receiving beams fed into transponders, also specify the minimum and maximum saturation flux density at beam peak. If the satellite uses shapeable beams, specify the

minimum and maximum gain-to-temperature ratio within each shapeable beam's proposed coverage area, and for shapeable receiving beams fed into transponders, specify the minimum and maximum saturation power flux density within the 0 dB relative antenna gain isoline. Provide this information for each frequency band in which the receiving beam can operate. For command beams, specify the beam peak flux density at the command threshold;

(vi)(A) For space stations in geostationary orbit, specify predicted space station antenna gain contour(s) for each transmit and receive antenna beam, except for beams where the contour at 8 dB below peak falls entirely beyond the edge of the visible Earth. These contour(s) should be plotted on an area map at 2 dB intervals down to 10 dB below the peak gain and at 5 dB intervals between 10 dB and 20 dB below the peak gain. Applicants must present this information in a GIMS-readable format.

(B) For space stations in non-geostationary orbits, specify for each unique orbital plane the predicted antenna gain contour(s) for each transmit and receive antenna beam for one space station if all space stations are identical in the constellation. If individual space stations in the constellation have different antenna beam configurations, specify the predicted antenna gain contours for each transmit and receive beam for each space station type and orbit or orbital plane requested. The contours should be plotted on an area map with the beam depicted on the surface of the earth with the space stations' peak antenna gain pointed at nadir to a latitude and longitude within the proposed service area. The contour(s) should be plotted at 2 dB intervals down to 10 dB below the peak gain and at 5 dB intervals between 10 dB and 20 dB below the peak gain. For inter-satellite links, specify the peak antenna gain and 3 dB beamwidth.

(C) For space stations with shapeable antenna beams, specify the contours, as defined in paragraph (c)(4)(vi)(A) or (B) of this section, for the transmitting beam configuration that results in the highest EIRP density for the beams listed in paragraph (c)(4)(ii) of this section and for the receiving beam con-

figuration with the smallest gain-to-temperature ratio and the highest required saturation power flux density for the beams listed in paragraph (c)(4)(v) of this section. If the shapeable beams are also steerable, include the contours that would result from moving the beam peak around the limit of the effective beam peak area and the 0 dB relative antenna gain isoline. The proposed maximum coverage area must be clearly specified.

(D) For a space station with steerable beams that are not shapeable, specify the applicable contours, as defined in paragraph (c)(4)(vi)(A) or (c)(4)(vi)(B) of this section, with a description of a proposed coverage area for each steerable beam or provide the contour information described in paragraph (c)(4)(vi)(C) of this section for each steerable beam.

(vii) For geostationary satellites with large numbers of identical fixed spot beams, other than DBS satellites, applicants may, as an alternative to submitting the information described in paragraph (c)(4)(vi) of this section with respect to these beams, provide the predicted antenna gain contours for one transmit and receive antenna beam, together with one of the following:

(A) An area map showing all of the spot beams depicted on the surface of the Earth;

(B) A table identifying the maximum antenna gain point(s) in latitude and longitude to the nearest 0.1 degree; or

(C) A map of the isolines formed by combining all of the spot beams into one or more composite beams. For non-geostationary satellites with large numbers of identical fixed beams on each satellite, applicants may, as an alternative to submitting the information described in paragraph (c)(4)(vi) of this section with respect to those beams, specify the predicted antenna gain contours for one transmit and receive beam pointed to nadir, together with an area map showing all of the spot beams depicted on the surface of the earth with the satellites' peak antenna gain pointed to a selected latitude and longitude within the service area.

(5) For space stations in geostationary orbit:

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- (i) Orbital location requested,
- (ii) [Reserved]
- (iii) East-west station-keeping range,
- (iv) North-south station-keeping range, and
- (v) Accuracy to which antenna axis attitude will be maintained;
- (6) For space stations in non-geostationary orbits:
 - (i) The number of orbital planes and the number of space stations in each plane,
 - (ii) The inclination of the orbital plane(s),
 - (iii) The orbital period,
 - (iv) The apogee,
 - (v) The perigee,
 - (vi) The argument(s) of perigee,
 - (vii) Active service arc(s),
 - (viii) Right ascension of the ascending node(s), and
 - (ix) For each satellite in each orbital plane, the initial phase angle at the reference time;
- (7) The frequency bands, types of service, and coverage areas;
- (8) Calculated maximum power flux density levels within each coverage area and energy dispersal bandwidths, if any, needed for compliance with § 25.208, for the angles of arrival specified in the applicable paragraph(s) of § 25.208;
- (9) [Reserved]
- (10) Estimated operational lifetime;
- (11) Whether the space station is to be operated on a common carrier basis;
- (12) [Reserved]
- (13) And the polarization information necessary to determine compliance with § 25.210(i).
- (d) The following information in narrative form shall be contained in each application:
 - (1) Overall description of system facilities, operations and services and explanation of how uplink frequency bands would be connected to downlink frequency bands;
 - (2)–(5) [Reserved]
 - (6) Public interest considerations in support of grant;
 - (7) Applicants for authorizations for space stations in the Fixed-Satellite Service must also include the information specified in § 25.140(a). Applicants for authorizations for space stations in the 17/24 GHz Broadcasting-Satellite Service must also include the informa-

- tion specified in § 25.140(b)(3), (b)(4), (b)(5), or (b)(6);
- (8) Applications for authorizations in the Mobile-Satellite Service in the 1545–1559/1646.5–1660.5 MHz frequency bands shall also provide all information necessary to comply with the policies and procedures set forth in Rules and Policies Pertaining to the Use of Radio Frequencies in a Land Mobile Satellite Service, 2 FCC Rcd 485 (1987) (Available at address in § 0.445 of this chapter.);
- (9) Applications to license multiple space station systems in the non-voice, non-geostationary mobile-satellite service under blanket operating authority shall also provide all information specified in § 25.142; and
- (10) An application for space station authorization in the 1.6/2.4 GHz or 2 GHz Mobile-Satellite Service must include information required by § 25.143(b);
- (11) Applications for space stations in the Direct Broadcast Satellite Service must include a clear and detailed statement of whether the space station is to be operated on a broadcast or non-broadcast basis;
- (12) Applications for authorizations in the non-geostationary orbit Fixed-Satellite Service in the 10.7–14.5 GHz bands must also provide all information specified in § 25.146.
- (13) For satellite applications in the Direct Broadcast Satellite Service, if the proposed system’s technical characteristics differ from those specified in the Appendix 30 BSS Plans, the Appendix 30A feeder link Plans, Annex 5 to Appendix 30 or Annex 3 to Appendix 30A of the ITU Radio Regulations, each applicant must provide:
 - (i) The information requested in Appendix 4 of the ITU Radio Regulations. Further, applicants must provide sufficient technical showing that the proposed system could operate satisfactorily if all assignments in the BSS and feeder link Plans were implemented.
 - (ii) Analyses of the proposed system with respect to the limits in Annex 1 to Appendices 30 and 30A of the ITU Radio Regulations.
- (14) A description of the design and operational strategies that will be used

to mitigate orbital debris, including the following information:

(i) A statement that the space station operator has assessed and limited the amount of debris released in a planned manner during normal operations, and has assessed and limited the probability of the space station becoming a source of debris by collisions with small debris or meteoroids that could cause loss of control and prevent post-mission disposal;

(ii) A statement that the space station operator has assessed and limited the probability of accidental explosions during and after completion of mission operations. This statement must include a demonstration that debris generation will not result from the conversion of energy sources on board the spacecraft into energy that fragments the spacecraft. Energy sources include chemical, pressure, and kinetic energy. This demonstration should address whether stored energy will be removed at the spacecraft's end of life, by depleting residual fuel and leaving all fuel line valves open, venting any pressurized system, leaving all batteries in a permanent discharge state, and removing any remaining source of stored energy, or through other equivalent procedures specifically disclosed in the application;

(iii) A statement that the space station operator has assessed and limited the probability of the space station becoming a source of debris by collisions with large debris or other operational space stations. Where a space station will be launched into a low-Earth orbit that is identical, or very similar, to an orbit used by other space stations, the statement must include an analysis of the potential risk of collision and a description of what measures the space station operator plans to take to avoid in-orbit collisions. If the space station operator is relying on coordination with another system, the statement must indicate what steps have been taken to contact, and ascertain the likelihood of successful coordination of physical operations with, the other system. The statement must disclose the accuracy—if any—with which orbital parameters of non-geostationary satellite orbit space stations will be maintained, including apogee, perigee,

inclination, and the right ascension of the ascending node(s). In the event that a system is not able to maintain orbital tolerances, *i.e.*, it lacks a propulsion system for orbital maintenance, that fact should be included in the debris mitigation disclosure. Such systems must also indicate the anticipated evolution over time of the orbit of the proposed satellite or satellites. Where a space station requests the assignment of a geostationary-Earth orbit location, it must assess whether there are any known satellites located at, or reasonably expected to be located at, the requested orbital location, or assigned in the vicinity of that location, such that the station keeping volumes of the respective satellites might overlap. If so, the statement must include a statement as to the identities of those parties and the measures that will be taken to prevent collisions;

(iv) A statement detailing the post-mission disposal plans for the space station at end of life, including the quantity of fuel—if any—that will be reserved for post-mission disposal maneuvers. For geostationary-Earth orbit space stations, the statement must disclose the altitude selected for a post-mission disposal orbit and the calculations that are used in deriving the disposal altitude. The statement must also include a casualty risk assessment if planned post-mission disposal involves atmospheric re-entry of the space station. In general, an assessment should include an estimate as to whether portions of the spacecraft will survive re-entry and reach the surface of the Earth, as well as an estimate of the resulting probability of human casualty. Applicants for space stations to be used only for commercial remote sensing may, in lieu of submitting detailed post-mission disposal plans to the Commission, certify that they have submitted such plans to the National Oceanic and Atmospheric Administration for review.

(v) For non-U.S.-licensed space stations, the requirement to describe the design and operational strategies to minimize orbital debris risk can be satisfied by demonstrating that debris mitigation plans for the space station(s) for which U.S. market access is

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requested are subject to direct and effective regulatory oversight by the national licensing authority.

(15) Each applicant for a space station license in the 17/24 GHz broadcasting-satellite service shall include the following information as an attachment to its application:

(i) If the applicant proposes to operate in the 17.3–17.7 GHz frequency band, a demonstration that the proposed space station will comply with the power flux density limits in § 25.208(w) unless the applicant provides a certification under paragraph (d)(15)(ii) of this section.

(ii) In cases where the proposed space station will not comply with the power flux density limits set forth in § 25.208(w) of this part, the applicant will be required to provide a certification that all potentially affected parties acknowledge and do not object to the use of the applicant's higher power flux densities. The affected parties with whom the applicant must coordinate are those GSO 17/24 GHz BSS satellite networks located up to $\pm 6^\circ$ away for excesses of up to 3 dB above the power flux-density levels specified in § 25.208(w) of this part, and up to $\pm 10^\circ$ away greater for excesses greater than 3 dB above those levels.

(iii) If the applicant proposes to provide international service in the 17.7–17.8 GHz frequency band, a certification that the proposed space station will comply with the power flux density limits in § 25.208(c).

(iv) Any information required by § 25.264(a)(6), 25.264(b)(4), or 25.264(d).

(16) In addition to the requirements of paragraph (d)(15) of this section, each applicant for a license to operate a 17/24 GHz BSS space station that will be used to provide video programming directly to consumers in the United States, that will not meet the requirements of § 25.225 of this part, must include as an attachment to its application a technical analysis demonstrating that providing video programming service to consumers in Alaska and Hawaii that is comparable to the video programming service provided to consumers in the 48 contiguous United States (CONUS) is not feasible as a technical matter or that, while technically feasible, such service

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would require so many compromises in satellite design and operation as to make it economically unreasonable.

(17) An applicant seeking to operate a space station in the 17/24 GHz broadcasting-satellite service pursuant to the provisions of § 25.262(b) of this part, at an offset location no greater than one degree offset from an orbital location specified in Appendix F of the Report and Order adopted May 2, 2007, IB Docket No. 06–123, FCC 07–76, must submit a written request to that effect as part of the narrative portion of its application.

(18) For space stations in the Direct Broadcast Satellite service or the 17/24 GHz broadcasting-satellite service, maximum orbital eccentricity.

[68 FR 63997, Nov. 12, 2003, as amended at 69 FR 29901, May 26, 2004; 69 FR 47794, Aug. 6, 2004; 69 FR 54587, Sept. 9, 2004; 72 FR 50027, Aug. 29, 2007; 72 FR 60278, Oct. 24, 2007; 76 FR 50431, Aug. 15, 2011; 78 FR 8421, Feb. 6, 2013; 79 FR 8314, Feb. 12, 2014; 81 FR 55326, Aug. 18, 2016]

§ 25.115 Applications for earth station authorizations.

(a)(1) *Transmitting earth stations.* Commission authorization must be obtained for authority to operate a transmitting earth station. Applications shall be filed electronically on FCC Form 312, Main Form and Schedule B, and include the information specified in § 25.130, except as set forth in paragraph (a)(2) of this section.

(2) Applicants for licenses for transmitting earth stations in the FSS may file on FCC Form 312EZ if all of the following criteria are met:

(i) The application is for a single station that will transmit to an FSS GSO space station, or stations, in the 5925–6425 MHz band, or for single or multiple stations that will transmit to an FSS GSO space station, or stations, in the 14.0–14.5 GHz, 28.35–28.6 GHz, and/or 29.5–30.0 GHz band;

(ii) The earth station(s) will not be installed or operated on ships, aircraft, or other moving vehicles;

(iii) The application meets all relevant criteria in § 25.211 or § 25.212 or includes information filed pursuant to paragraph (g)(1) of this section indicating that off-axis EIRP density from

the proposed earth stations will not exceed relevant levels specified in § 25.138(a) or § 25.218;

(iv) Operation of the proposed station has been successfully coordinated with terrestrial systems, if the station would transmit in the 5925–6425 MHz band;

(v) The application includes an environmental impact statement pursuant to § 1.1311 of this chapter, if required;

(vi) The applicant does not propose to communicate via non-U.S.-licensed space stations not on the Permitted Space Station List; and

(vii) If the proposed station(s) will receive in the 18.3–18.8 GHz and/or 19.7–20.2 GHz bands, the applicant proposes to communicate only via satellites for which coordination has been completed pursuant to Footnote US334 of the U.S. Table of Frequency Allocations with respect to Federal Government systems authorized on a primary basis, under an agreement previously approved by the Commission and the National Telecommunications and Information Administration, and the applicant certifies that it will operate consistently with the agreement.

(3) Unless the Commission orders otherwise, an application filed on FCC Form 312EZ in accordance with paragraph (a)(2) of this section will be deemed granted 35 days after the date of the public notice that the application has been accepted for filing, provided no objection is filed during the 30-day public notice period.

(4) Applications for earth station authorizations must be filed in accordance with the pleading limitations, periods and other applicable provisions of §§ 1.41 through 1.52 of this chapter, except that such earth station applications must be filed electronically through the International Bureau Filing System (IBFS) in accordance with the applicable provisions of part 1, subpart Y of this chapter;

(b) Receive-only earth stations. Applications to license or register receive only earth stations shall be filed on FCC Form 312, Main Form and Schedule B, and conform to the provisions of § 25.131.

(c)(1) *Networks of earth stations operating in the 11.7–12.2 GHz and 14.0–14.5 GHz bands with U.S.-licensed or non-*

U.S.-licensed space stations for domestic or international services. Applications to license networks of earth stations operating in any portion of the 11.7–12.2 GHz and 14.0–14.5 GHz bands under blanket operating authority may be filed on FCC Form 312 or Form 312EZ, with a Schedule B for each large (5 meters or larger) hub station antenna and each representative type of small antenna (less than 5 meters) operating within the network.

(i) Applications to license networks of earth stations operating in the 11.7–12.2 GHz and 14.0–14.5 GHz bands under blanket operating authority that meet the requirements of § 25.212(c) or § 25.218(e) or (f) will be routinely processed.

(ii) Applications to license networks of earth stations operating in the 11.7–12.2 GHz and 14.0–14.5 GHz bands under blanket operating authority that do not meet the requirements of § 25.212(c) or § 25.218(e) or (f) must comply with the requirements in § 25.220 and must be filed on FCC Form 312 with a Schedule B for each large (5 meters or larger) hub station antenna and each representative type of small antenna (less than 5 meters) operating within the network.

(2) *Networks of earth stations operating in the 3700–4200 MHz and 5925–6425 MHz bands.* Applications to license networks of earth stations operating in the 3700–4200 MHz and 5925–6425 MHz bands must be filed electronically on FCC Form 312, Main Form and Schedule B. Applications will be routinely processed provided that frequency coordination has been satisfactorily completed and that the proposed earth stations comply with the applicable provisions in § 25.211(d) or § 25.212(d). Alternatively, applicants that have satisfactorily completed frequency coordination may be routinely processed if the proposed earth stations comply with the applicable off-axis EIRP density limits in § 25.218(c) or (d).

(i) For earth station antennas operating with power levels not consistent with the applicable provisions in § 25.211(d) or § 25.212(d), or with EIRP density levels not consistent with those specified in § 25.218(c) or (d), the applicant must file an initial lead application providing a detailed overview

of the complete network. Such lead applications must fully identify the scope and nature of the service to be provided, as well as the complete technical details of each representative type of antenna that will operate within the network. Such lead applications for a single system must identify:

(A) No more than three discrete geostationary satellites to be accessed;

(B) The amount of frequency bandwidth sought, up to a maximum of 20 MHz of spectrum in each direction at each of the satellites (The same 20 MHz of uplink and 20 MHz of downlink spectrum at each satellite would be accessible by all earth stations in the system. The 20 MHz of uplink and 20 MHz of downlink spectrum need not be the same at each satellite location);

(C) The maximum number of earth station sites;

(ii) Following the issuance of a license for the lead application, the licensee shall notify the Commission of the complete technical parameters of each individual earth station site before that site is brought into operation under the lead authorization. Full frequency coordination of each individual site (e.g., for each satellite and the spectrum associated therewith) shall be completed prior to filing Commission notification. The coordination must be conducted in accordance with § 25.203. Such notification shall be done by electronic filing and shall be consistent with the technical parameters of Schedule B of FCC Form 312.

(iii) Following successful coordination of such an earth station, if the earth station operator does not file a lead application or a Schedule B within six months after it successfully completes coordination, it will be assumed that such frequency use is no longer desired, unless a second notification has been received within ten days prior to the end of the six month period. Such renewal notifications must be sent to all parties concerned. If the lead application or Schedule B, or renewal notification, is not timely received, the coordination will lapse and the licensee must re-coordinate the relevant earth stations if it still wishes to bring them into operation.

(iv) Operation of each individual site may commence immediately after the

public notice is released that identifies the notification sent to the Commission and if the requirements of paragraph (c)(2)(vi) of this section are met. Continuance of operation of each station for the duration of the lead license term shall be dependent upon successful completion of the normal public notice process. If any objections are received to the new station prior to the end of the 30 day comment period of the Public Notice, the licensee shall immediately cease operation of those particular stations until the coordination dispute is resolved and the licensee informs the Commission of the resolution. If the requirements of paragraph (c)(2)(vi) of this section are not met, operation may not commence until the Commission issues the public notice acting on the terminal authorization.

(v) Each licensee shall annually provide the Commission an updated list of all operational earth stations in its system. The annual list shall also include a list of all earth stations deactivated during the year and identification of the satellites providing service to the network as of the date of the report.

(vi) *Conditional authorization.* (A) An applicant for a new radio station or modification of an existing station authorized under paragraph (c)(2)(i) of this section in the 3700–4200; or 5925–6425 MHz bands may operate the proposed station during the pendency of its application after the release of the public notice accepting the notification for filing that complies with paragraph (c)(2)(ii) of this section. The applicant, however, must first certify that the following conditions are satisfied:

(1) The frequency coordination procedures of § 25.203 have been successfully completed;

(2) The antenna structure has been previously studied by the Federal Aviation Administration and determined to pose no hazard to aviation safety as required by subpart B of part 17 of this chapter; or the antenna or tower structure does not exceed 6.1 meters above ground level or above an existing man-made structure (other than an antenna structure), if the antenna or tower has

not been previously studied by the Federal Aviation Administration and cleared by the FCC;

(3) The grant of the application(s) does not require a waiver of the Commission's rules (with the exception of a request for waiver pertaining to fees);

(4) The applicant has determined that the facility(ies) will not significantly affect the environment as defined in §1.1307 of this chapter after complying with any applicable environmental notification procedures specified in §17.4(c) of this chapter.

(5) The station site does not lie within 56.3 kilometers of any international border or within a radio "Quiet Zone" identified in §1.924 of this chapter; and

(6) The filed application is consistent with the proposal that was coordinated pursuant to §25.251.

(B) Conditional authority ceases immediately if the Schedule B is returned by the Commission because it is not accepted for filing.

(C) A conditional authorization pursuant to paragraphs (c)(2)(vi)(A) and (c)(2)(vi)(B) of this section is evidenced by retaining a copy of the Schedule B notification with the station records. Conditional authorization does not prejudice any action the Commission may take on the subject application(s) or the Schedule B notifications.

(D) Conditional authority is accepted with the express understanding that such authority may be modified or cancelled by the Commission at any time without hearing if, in the Commission's discretion, the need for such action arises. An applicant operating pursuant to this conditional authority assumes all risks associated with such operation, the termination or modification of the conditional authority, or the subsequent dismissal or denial of its application(s).

(E) The copy of the Schedule B notification form must be posted at each station operating pursuant to this section.

(vii) *Period of construction.* Construction of each earth station must be completed and the station must be brought into regular operation within twelve months from the date that action is taken to authorize that station to operate under the lead authorization, except as may be otherwise determined

by the Commission for any particular application.

(3) Networks of earth stations operating in the 18.3–18.8 GHz, 19.7–20.2 GHz, 28.35–28.6 GHz, and 29.25–30 GHz bands with U.S.-licensed or non-U.S.-licensed satellites for domestic or international services.

(i) Applications to license networks of earth stations that will transmit digitally modulated signals to GSO space stations in the 28.35–28.6 GHz and/or 29.25–30.0 GHz bands under blanket operating authority must be filed on FCC Form 312, or Form 312EZ if available, with a Schedule B for each large (5 meters or larger) hub station antenna and each representative type of small antenna (less than 5 meters) operating within the network and may be routinely processed if the criteria in paragraphs (c)(3)(i)(A) and (B) of this section are met:

(A) The applicant certifies pursuant to §25.132(a)(1) that the off-axis gain of transmitting antennas in the network will not exceed the relevant levels specified in §25.209(a) and (b) and the power spectral density of any digitally modulated carrier into any transmitting earth station antenna in the proposed network will not exceed 3.5 dBW/MHz as specified in §25.212(e).

(B) The application includes information filed pursuant to paragraph (g)(1) of this section indicating that off-axis EIRP density from the proposed earth stations will not exceed relevant routine levels specified in §25.138(a).

(ii) Applications to license networks of earth stations operating in the 28.35–28.6 GHz and/or 29.25–30.0 GHz bands under blanket operating authority that do not meet the requirements of §25.212(e) or §25.138(a) must comply with the requirements in §25.220 and must be filed on FCC Form 312 with a Schedule B for each large (5 meters or larger) hub station antenna and each representative type of small antenna (less than 5 meters) operating within the network.

(d) Mobile-Satellite Service user transceivers need not be individually licensed. Service vendors may file blanket applications for such transceivers using FCC Form 312, Main Form and Schedule B, specifying the number of

units to be covered by the blanket license. A blanket license application for 1.5/1.6 GHz MSS user transceivers must include an explanation of how the applicant will comply with the priority and preemptive access requirements in §25.287.

(e) License applications for earth station operation in any portion of the 18.3–20.2 GHz and 28.35–30.0 GHz bands not filed on FCC Form 312EZ pursuant to paragraph (a)(2) of this section must be filed on FCC Form 312, Main Form and Schedule B, and must include any information required by paragraph (g) or (j) of this section or by §25.130. An applicant may request authority for operation of GSO FSS earth stations in the conventional Ka-band, or for operation of NGSO FSS earth stations in the 18.8–19.3 GHz (space-to-Earth) and 28.6–29.1 (Earth-to-space) bands, without specifying the location of user terminals but must specify the geographic area(s) in which they will operate and the location of hub and/or gateway stations.

(f) User transceivers in the non-geostationary satellite orbit Fixed-Satellite Service in the 11.7–12.2 GHz, 12.2–12.7 GHz and 14.0–14.5 GHz bands need not be individually licensed. Applications for blanket authority to operate transceiver units may be filed using FCC Form 312, Main Form and Schedule B. Each application for a blanket license under this section shall include the information described in §25.146. Any earth stations that are not user transceivers, and which transmit in the non-geostationary satellite orbit Fixed-Satellite Service in the 10.7–11.7 GHz, 12.75–13.15 GHz, 13.2125–13.25 GHz, and 13.75–14.0 GHz bands must be individually licensed, pursuant to paragraph (a) of this section.

(g) Applications for earth stations that will transmit to GSO space stations in any portion of the 5850–6725 MHz, 13.75–14.5 GHz, 24.75–25.25 GHz, 28.35–28.6 GHz, or 29.25–30.0 GHz bands must include, in addition to the particulars of operation identified on FCC Form 312 and associated Schedule B, the information specified in either paragraph (g)(1) or (g)(2) of this section for each earth station antenna type.

(1) Specification of off-axis EIRP density calculated from measurements

made consistent with the requirements in §25.132(b)(1), in accordance with the following requirements. For purposes of this rule, the “off-axis angle” is the angle in degrees from a line between an earth station antenna and the target satellite.

(i) A plot of maximum co-polarized EIRP density in the plane tangent to the GSO arc at off-axis angles from minus 180° to plus 180°;

(ii) A plot of maximum co-polarized EIRP density in the plane tangent to the GSO arc at off-axis angles from minus 10° to plus 10°;

(iii) A plot of maximum co-polarized EIRP density in the plane perpendicular to the GSO arc at off-axis angles from 0° to plus 30°;

(iv) A plot of maximum cross-polarized EIRP density in the plane tangent to the GSO arc at off-axis angles from minus 7° to plus 7°;

(v) A plot of maximum cross-polarized EIRP density in the plane perpendicular to the GSO arc at off-axis angles from minus 7° to plus 7°;

(vi) For antennas for which gain measurements are made pursuant to §25.132(b)(1)(iv), the EIRP density plots specified in paragraphs (g)(1)(i) through (v) of this section must be provided over the specified angular ranges in two orthogonal planes, one of which is tangent to the GSO arc and with the antenna operating at its maximum skew angle, which the applicant must specify.

(vii) The relevant off-axis EIRP density envelopes in §25.138, §25.218, §25.221, §25.222, §25.223, §25.226, or §25.227 must be superimposed on plots submitted pursuant to paragraphs (g)(1)(i) through (vi) of this section.

(viii) The showing must include a supplemental table for each off-axis angular range in which the relevant EIRP density envelope will be exceeded, specifying angular coordinates in degrees off-axis and corresponding calculated off-axis EIRP density at 0.2° increments over the angular range in which the routine envelope will be exceeded and one degree on each side of that range.

(2) An applicant that certifies pursuant to §25.132(a)(1) that a proposed antenna’s measured gain pattern conforms to relevant standards in

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§ 25.209(a) and (b) and that input power density to the antenna will not exceed the relevant limit in § 25.211 or § 25.212 need not provide a showing pursuant to paragraph (g)(1) of this section for operation with that antenna.

(h) [Reserved]

(i) An earth station applicant filing an application for a blanket-licensed earth station network made up of FSS earth stations and planning to use a contention protocol must include in its application a certification that its contention protocol usage will be reasonable.

(j) An application for a new fixed earth station or modification involving alteration of the overall height of one or more existing earth station antenna structures must include the FCC Antenna Structure Registration Number(s) for the antenna structure(s), if assigned. If no such number has been assigned, the application must state whether prior FAA notification is required by part 17 of this chapter and, if so, whether the applicant or owner of the structure has notified the FAA of the proposed construction or alteration and applied for an Antenna Structure Registration Number in accordance with part 17 of this chapter. Applicants who maintain that prior FAA notification is not required for construction or alteration of a structure with overall height more than 6.1 meters above ground level must explain in the application why such prior notification is not required.

(k)(1) Applicants for FSS earth stations that qualify for routine processing in the conventional or extended C-bands, the conventional or extended Ku-bands, the conventional Ka-band, or the 24.75–25.25 GHz band, including ESV applications filed pursuant to § 25.222(a)(1) or (a)(3), VMES applications filed pursuant to § 25.226(a)(1) or (a)(3), and ESAA applications filed pursuant to § 25.227(a)(1) or (a)(3), may designate the Permitted Space Station List as a point of communication. Once such an application is granted, the earth station operator may communicate with any space station on the Permitted Space Station List, provided that the operation is consistent with the technical parameters and conditions in the earth station license and

any limitations placed on the space station authorization or noted in the Permitted Space Station List.

(2) Notwithstanding paragraph (k)(1) of this section, the operator of an earth station that qualifies for routine processing in the conventional Ka-band may not communicate with a space station on the Permitted Space Station List in the 18.3–18.8 GHz or 19.7–20.2 GHz band until the space station operator has completed coordination under Footnote US334 to § 2.106 of this chapter.

[62 FR 5928, Feb. 10, 1997]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 25.115, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§ 25.116 Amendments to applications.

(a) Unless otherwise specified, any pending application may be amended until designated for hearing, a public notice is issued stating that a substantive disposition of the application is to be considered at a forthcoming Commission meeting, or a final order disposing of the matter is adopted by the Commission.

(b) Major amendments submitted pursuant to paragraph (a) of this section are subject to the public notice requirements of § 25.151. An amendment will be deemed to be a major amendment under the following circumstances:

(1) If the amendment increases the potential for interference, or changes the proposed frequencies or orbital locations to be used.

(2) If the amendment would convert the proposal into an action that may have a significant environmental effect under § 1.1307 of this chapter.

(3) [Reserved]

(4) If the amendment, or the cumulative effect of the amendment, is determined by the Commission otherwise to be substantial pursuant to section 309 of the Communications Act.

(5) Amendments to “defective” space station applications, within the meaning of § 25.112 will not be considered.

(c) Any application for an NGSO-like satellite license within the meaning of § 25.157 will be considered to be a newly filed application if it is amended by a

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major amendment (as defined by paragraph (b) of this section) after a “cut-off” date applicable to the application, except under the following circumstances:

(1) The amendment resolves frequency conflicts with authorized stations or other pending applications but does not create new or increased frequency conflicts;

(2) The amendment reflects only a change in ownership or control found by the Commission to be in the public interest and, for which a requested exemption from a “cut-off” date is granted;

(3) The amendment corrects typographical, transcription, or similar clerical errors which are clearly demonstrated to be mistakes by reference to other parts of the application, and whose discovery does not create new or increased frequency conflicts; or

(4) The amendment does not create new or increased frequency conflicts, and is demonstrably necessitated by events which the applicant could not have reasonably foreseen at the time of filing.

(d) Any application for a GSO-like satellite license within the meaning of § 25.158 will be considered to be a newly filed application if it is amended by a major amendment (as defined by paragraph (b) of this section), and will cause the application to lose its status relative to later-filed applications in the “queue” as described in § 25.158.

(e) Any amendment to an application shall be filed electronically through the International Bureau Filing System (IBFS) in accordance with the applicable provisions of part 1, subpart Y of this chapter. Amendments to space station applications must be filed on Form 312 and Schedule S. Amendments to earth station applications must be filed on Form 312 and Schedule B.

[56 FR 24016, May 28, 1991, as amended at 68 FR 51503, Aug. 27, 2003; 69 FR 47794, Aug. 6, 2004; 78 FR 8421, Feb. 6, 2013]

§ 25.117 Modification of station license.

(a) Except as provided for in § 25.118 (Modifications not requiring prior authorization), no modification of a radio station governed by this part which affects the parameters or terms and conditions of the station authorization

shall be made except upon application to and grant of such application by the Commission.

(b) Both earth station and space station modification applications must be filed electronically through the International Bureau Filing System (IBFS) in accordance with the applicable provisions of part 1, subpart Y of this chapter.

(c) Applications for modification of earth station authorizations must be submitted on FCC Form 312, Main Form and Schedule B. Applications for modification of space station authorizations must be submitted on FCC Form 312, Main Form and Schedule S. Only those items that change need to be specified, provided that the applicant certifies that the remaining information has not changed.

(d)(1) Except as set forth in § 25.118(e), applications for modifications of space station authorizations shall be filed in accordance with § 25.114, but only those items of information listed in § 25.114 that change need to be submitted, provided the applicant certifies that the remaining information has not changed.

(2) Applications for modifications of space station authorizations will be granted except under the following circumstances:

(i) Granting the modification would make the applicant unqualified to operate a space station under the Commission’s rules.

(ii) Granting the modification request would not serve the public interest, convenience, and necessity.

(iii) Except as set forth in paragraph (d)(2)(iv) of this section, applications for modifications of GSO-like space station authorizations granted pursuant to the procedure set forth in § 25.158, which seek to relocate a GSO satellite or add a frequency band to the authorization, will be placed in a queue pursuant to § 25.158 and considered only after previously filed space station license applications or space station modification applications have been considered.

(iv) Applications for modifications of space station authorizations to increase the authorized bandwidth will not be considered in cases in which the original space station authorization

was granted pursuant to the procedures set forth in § 25.157(e) or § 25.158(c)(4).

(v) Any 17/24 GHz BSS space station operator whose license is conditioned to operate at less than the power level otherwise permitted by § 25.208(c) and/or (w) of this part, and is conditioned to accept interference from a neighboring 17/24 GHz BSS space station, may file a modification application to remove those two conditions in the event that the license for that neighboring space station is cancelled or surrendered. In the event that two or more such modification applications are filed, and those applications are mutually exclusive, the modification applications will be considered on a first-come, first-served basis pursuant to the procedure set forth in § 25.158 of this part.

(3) In the event that a space station licensee provides notification of a planned license modification pursuant to § 25.118(e), and the Commission finds that the proposed modification does not meet the requirements of § 25.118(e), the Commission will issue a public notice announcing that the proposed license modification will be considered pursuant to the procedure specified in paragraphs (d)(1) and (d)(2) of this section.

(e) Any application for modification of authorization to extend a required date of completion, as set forth in § 25.133 for earth station authorizations or § 25.164 for space stations, or included as a condition of any earth station or space station authorization, must include a verified statement from the applicant:

(1) That states that the additional time is required due to unforeseeable circumstances beyond the applicant's control, describes these circumstances with specificity, and justifies the precise extension period requested; or

(2) That states there are unique and overriding public interest concerns that justify an extension, identifies these interests and justifies a precise extension period (f) An application for modification of a space station license to add an ancillary terrestrial component to an eligible satellite network will be treated as a request for a minor modification if the particulars of operations provided by the applicant com-

ply with the criteria specified in § 25.149. Notwithstanding the treatment of such an application as a minor modification, the Commission shall place any initial application for the modification of a space station license to add an ancillary terrestrial component on notice for public comment. Except as provided for in § 25.149(f), no application for authority to add an ancillary terrestrial component to an eligible satellite network shall be granted until the applicant has demonstrated actual compliance with the criteria specified in § 25.149(b).

(g) In cases where an earth station licensee proposes additional transmitters, facilities, or modifications, the resulting transmissions of which can reasonably be expected to cause the power density to exceed the RF exposure limits specified in part 1, subpart I of this chapter by five percent, the licensee must submit an environmental assessment pursuant to § 1.1307(b)(3)(i) of this chapter as an attachment to its modification application.

(h) Unless otherwise ordered by the Commission, an application for any of the following kinds of modification of the operation of a GSO space station will be deemed granted 35 days after the date of the public notice that the application has been accepted for filing, provided no objection is filed during the 30-day notice period and the application does not propose a change that would be inconsistent with a Commission rule or require modification of the BSS plan in Appendix 30 or the associated feeder-link Plan in Appendix 30A of the ITU Radio Regulations (both incorporated by reference, *see* § 25.108).

(1) Relocation of a DBS or GSO FSS space station by no more than 0.15° from the initially authorized orbital location, provided the application includes a signed certification that:

(i) The space station operator has assessed and limited the probability of the satellite becoming a source of debris as a result of collisions with large debris or other operational satellites at the new orbital location; and

(ii) The proposed station-keeping volume of the satellite following relocation will not overlap a station-keeping volume reasonably expected to be occupied by any other satellite, including

those authorized by the Commission, applied for and pending before the Commission, or otherwise the subject of an ITU filing and either in orbit or progressing towards launch.

(2) Repositioning one or more antenna beams by no more than 0.3 angular degrees from a line between the space station and the initially authorized boresight location(s).

[56 FR 24016, May 28, 1991, as amended at 61 FR 9952, Mar. 12, 1996; 62 FR 5928, Feb. 10, 1997; 68 FR 33649, June 5, 2003; 68 FR 47858, Aug. 12, 2003; 68 FR 51503, Aug. 27, 2003; 68 FR 62248, Nov. 3, 2003; 68 FR 63998, Nov. 12, 2003; 69 FR 47794, Aug. 6, 2004; 70 FR 32253, June 2, 2005; 72 FR 60279, Oct. 24, 2007; 78 FR 8421, Feb. 6, 2013; 81 FR 55328, Aug. 18, 2016]

§ 25.118 Modifications not requiring prior authorization.

(a) *Earth station modifications, notification required.* Earth station licensees may make the following modifications without prior Commission authorization, provided they notify the Commission, using FCC Form 312 and Schedule B, within 30 days of the modification. The notification must be filed electronically through the International Bureau Filing System (IBFS) in accordance with the applicable provisions of part 1, subpart Y of this chapter.

(1) Blanket-licensed earth station operators may add remote terminals operating on a primary basis without prior authorization, provided they have complied with all applicable frequency coordination procedures in accordance with § 25.251.

(2) A licensee providing service on a private carrier basis may change its operations to common carrier status without obtaining prior Commission authorization. The licensee must notify the Commission using FCC Form 312 within 30 days after the completed change to common carrier status.

(3) An earth station operator may change a point of communication without prior authorization, provided the operator does not repoint the earth station's antenna beyond any coordinated range; and

(i) The change results from a space station relocation described in paragraph (e) of this section, or

(ii) The new point of communication is a replacement GSO space station within $\pm 0.15^\circ$ of orbital longitude of the

same location, with authority to serve the U.S., and the change does not entail any increase in the earth station's EIRP or EIRP density.

(4) Licensees may make other changes to their authorized earth stations without prior authority from the Commission, provided the modification does not involve:

(i) An increase in EIRP or EIRP density (either main lobe or off-axis);

(ii) Additional operating frequencies;

(iii) A change in polarization;

(iv) An increase in antenna height;

(v) Antenna repointing beyond any coordinated range or

(vi) A change from the originally authorized coordinates of more than 1 second in latitude or longitude for stations operating in frequency bands shared with terrestrial systems or more than 10 seconds of latitude or longitude for stations operating in frequency bands not shared with terrestrial systems.

(b) *Earth station modifications, notification not required.* Notwithstanding paragraph (a) of this section, equipment in an authorized earth station may be replaced without prior authorization and without notifying the Commission if the new equipment is electrically identical to the existing equipment.

(c)–(d) [Reserved]

(e) *Relocation of GSO space stations.* A space station licensee may relocate a GSO space station without prior authorization, but upon 30 days prior notice to the Commission and any potentially affected licensed spectrum user, provided that the operator meets the following requirements. The notification must be filed electronically on FCC Form 312 through the International Bureau Filing System (IBFS) in accordance with the applicable provisions of part 1, subpart Y of this chapter:

(1) The space station will be relocated to a position within $\pm 0.15^\circ$ of an orbital location assigned to the same licensee.

(2) The licensee certifies that the space station will operate after the relocation within the technical parameters authorized and coordinated for the space station previously assigned to that location.

(3) The licensee certifies that it will comply with all the conditions of its license for operation at the changed location.

(4) The licensee certifies that it will limit operations of the space station to tracking, telemetry, and command functions during the relocation and satellite drift transition period.

(5) The licensee certifies that:

(i) It has assessed and limited the probability of the satellite becoming a source of debris as a result of collisions with large debris or other operational satellites at the new orbital location; and

(ii) The proposed station-keeping volume of the satellite following relocation will not overlap a station-keeping volume reasonably expected to be occupied by any other satellite, including those authorized by the Commission, applied for and pending before the Commission, or otherwise the subject of an ITU filing and either in orbit or progressing towards launch.

(6) The licensee certifies that the relocation will not result in a lapse of service for any current customer.

(7) If the space station to be relocated is a DBS space station, the licensee certifies that there will be no increase in interference due to the operations of the relocated space station that would require the Commission to submit a proposed modification to the ITU Appendix 30 Broadcasting-Satellite Service Plan and/or the Appendix 30A feeder-link Plan (both incorporated by reference, *see* §25.108) to the ITU Radiocommunication Bureau. A DBS licensee that meets this certification requirement is not subject to the requirements in paragraph (e)(2) of this section.

(8) If the space station to be relocated is a DBS space station, the licensee certifies that it will meet the geographic service requirements in §25.148(c) after the relocation.

(f) *Repositioning of NGSO space stations.* A licensee may reposition NGSO space stations within an authorized orbital plane without prior Commission approval, provided the licensee notifies the Commission of the repositioning 10 days in advance by electronic filing on Form 312 in the International Bureau Filing System. The notification must

specify all changes in previously authorized parameters and must certify the following:

(1) The licensee will continue to comply with the conditions of the space station license and all applicable Commission rules, including geographic coverage requirements, after the repositioning;

(2) The repositioning will not increase risk of harmful interference to other systems not permitted by coordination agreements;

(3) The licensee will not request increased interference protection because of the repositioning;

(4) The licensee will monitor collision risk during the maneuver and take any necessary evasive measures.

(5) Any change of orbital altitude entailed by the repositioning will not exceed 10 kilometers in extent or 30 days in duration and the licensee has notified, or will notify, the operator(s) of any satellite within 20 kilometers of the interim orbit at least 10 days before commencing the repositioning maneuver.

[62 FR 5928, Feb. 10, 1997, as amended at 68 FR 62248, Nov. 3, 2003; 68 FR 63999, Nov. 12, 2003; 69 FR 47794, Aug. 6, 2004; 70 FR 32253, June 2, 2005; 79 FR 8317, Feb. 12, 2014; 81 FR 55329, Aug. 18, 2016]

§25.119 Assignment or transfer of control of station authorization.

(a) You must file an application for Commission authorization before you can transfer, assign, dispose of (voluntarily or involuntarily, directly or indirectly, or by transfer of control of any corporation or any other entity) your construction permit or station license, or accompanying rights, except as provided in paragraph (h) of this section. The Commission will grant your application only if it finds that doing so will serve the public interest, convenience, and necessity.

(b) For purposes of this section, transfers of control requiring Commission approval shall include any and all transactions that:

(1) Change the party controlling the affairs of the licensee, or

(2) Effect any change in a controlling interest in the ownership of the licensee, including changes in legal or equitable ownership.

(c) *Assignment of license.* You must submit an FCC Form 312, Main Form and Schedule A to voluntarily assign (*e.g.*, as by contract or other agreement) or involuntarily assign (*e.g.*, as by death, bankruptcy, or legal disability) your station authorization. You must file these forms electronically through IBFS.

(d) *Transfer of control of corporation holding license.* If you want to transfer control of a corporation, which holds one or more licenses voluntarily or involuntarily (*de jure* or *de facto*), you must submit an FCC Form 312, Main Form and Schedule A. You must file these forms electronically through IBFS. For involuntary transfers, you must file your application within 10 days of the event causing the transfer of control. You can also use FCC Form 312, Main Form and Schedule A for non-substantial (*pro forma*) transfers of control.

(e) Whenever a group of station licenses in the same radio service for the same class of facility licensed to the same entity is to be assigned or transferred to a single assignee or transferee, a single application may be filed to cover the entire group, if the application identifies in an exhibit each station by call sign, station location and expiration date of license.

(f) Assignments and transfers of control shall be completed within 180 days from the date of authorization. Within 30 days of consummation, the Commission shall be notified by letter of the date of consummation and the file numbers of the applications involved in the transaction.

(g) The Commission retains discretion in reviewing assignments and transfers of control of space station licenses to determine whether the initial license was obtained in good faith with the intent to construct a satellite system.

(h) *Pro forma transactions involving a telecommunications carrier.* You do not need prior Commission approval for a non-substantial (*pro forma*) transfer of control or assignment of license involving a telecommunications carrier, as defined in 47 U.S.C. 153(51). However, the *pro forma* transferee or assignee must file a notification with the Commission no later than 30 days after the

transfer or assignment is completed. The notification must be filed on FCC Form 312, Main Form and Schedule A and must contain a certification that the transfer of control or assignment was *pro forma* and that, together with all previous *pro forma* transactions, it did not result in a change in the actual controlling party.

(i) *Pro forma transactions not involving a telecommunications carrier.* A complete application for Commission approval of a non-substantial (*pro forma*) transfer of control or assignment of license not involving a telecommunications carrier, as defined in 47 U.S.C. 153(51), will be deemed granted one business day after filing, provided that:

(1) Approval does not require a waiver of, or a declaratory ruling pertaining to, any applicable Commission rule; and

(2) The application includes a certification that the proposed transfer of control or assignment is *pro forma* and that, together with all previous *pro forma* transactions, it would not result in a change in the actual controlling party.

(j) *Receive-only earth station registrations.* You do not need prior Commission approval for a transfer of control or assignment of a receive-only earth station registration. For all such transactions other than non-substantial (*pro forma*) transfers of control, the transferee or assignee must file a notification with the Commission on FCC Form 312, Main Form and Schedule A no later than 30 days after the transfer or assignment is completed. No notification is required for a *pro forma* transfer of control of a receive-only earth station registrant.

[56 FR 24016, May 20, 1991; 56 FR 29757, June 20, 1991. Redesignated and amended at 62 FR 5928, 5929, Feb. 10, 1997; 68 FR 51503, Aug. 27, 2003; 69 FR 29901, May 26, 2004; 78 FR 8421, Feb. 6, 2013; 79 FR 51264, Aug. 28, 2014; 81 FR 55329, Aug. 18, 2016]

§ 25.120 Application for special temporary authorization.

(a) In circumstances requiring immediate or temporary use of facilities, request may be made for special temporary authority to install and/or operate new or modified equipment. The request must contain the full particulars

of the proposed operation including all facts sufficient to justify the temporary authority sought and the public interest therein. No request for temporary authority will be considered unless it is received by the Commission at least 3 working days prior to the date of proposed construction or operation or, where an extension is sought, the expiration date of the existing temporary authorization. A request received within less than 3 working days may be accepted only upon due showing of extraordinary reasons for the delay in submitting the request which could not have been earlier foreseen by the applicant. A copy of the request for special temporary authority also shall be forwarded to the Commission's Columbia Operations Center, 9200 Farm House Lane, Columbia, MD 21046-1609.

(b)(1) The Commission may grant a temporary authorization only upon a finding that there are extraordinary circumstances requiring temporary operations in the public interest and that delay in the institution of these temporary operations would seriously prejudice the public interest. Convenience to the applicant, such as marketing considerations or meeting scheduled customer in-service dates, will not be deemed sufficient for this purpose.

(2) The Commission may grant a temporary authorization for a period not to exceed 180 days, with additional periods not exceeding 180 days, if the Commission has placed the special temporary authority (STA) request on public notice.

(3) The Commission may grant a temporary authorization for a period not to exceed 60 days, if the STA request has not been placed on public notice, and the applicant plans to file a request for regular authority for the service.

(4) The Commission may grant a temporary authorization for a period not to exceed 30 days, if the STA request has not been placed on public notice, and an application for regular authority is not contemplated.

(c) Each application proposing construction of one or more earth station antennas or alteration of the overall height of one or more existing earth station antenna structures, where FAA notification prior to such construction

or alteration is required by part 17 of this chapter, must include the FCC Antenna Structure Registration Number(s) for the affected satellite earth station antenna(s). If no such number has been assigned at the time the application(s) is filed, the applicant must state in the application whether the satellite earth station antenna owner has notified the FAA of the proposed construction or alteration and applied to the FCC for an Antenna Structure Registration Number in accordance with part 17 of this chapter. Applications proposing construction of one or more earth station antennas or alteration of the overall height of one or more existing earth station antennas, where FAA notification prior to such construction or alteration is *not* required by part 17 of this chapter, must indicate such and, unless the satellite earth station antenna is 6.10 meters or less above ground level (AGL), must contain a statement explaining why FAA notification is not required.

[56 FR 24016, May 28, 1991, as amended at 61 FR 4367, Feb. 6, 1996. Redesignated and amended at 62 FR 5928, 5929, Feb. 10, 1997; 66 FR 9973, Feb. 13, 2001; 68 FR 51503, Aug. 27, 2003]

§ 25.121 License term and renewals.

(a) *License Term.* (1) Except for licenses for DBS space stations, SDARS space stations and terrestrial repeaters, and 17/24 GHz BSS space stations licensed as broadcast facilities, licenses for facilities governed by this part will be issued for a period of 15 years.

(2) Licenses for DBS space stations and 17/24 GHz BSS space stations licensed as broadcast facilities, and for SDARS space stations and terrestrial repeaters, will be issued for a period of 8 years. Licenses for DBS space stations not licensed as broadcast facilities will be issued for a period of 10 years.

(b) The Commission reserves the right to grant or renew station licenses for less than 15 years if, in its judgment, the public interest, convenience and necessity will be served by such action.

(c) For earth stations, the license term will be specified in the instrument of authorization.

(d) *Space stations.* (1) For geostationary-orbit space stations, the license term will begin at 3 a.m. Eastern Time on the date when the licensee notifies the Commission pursuant to § 25.173(b) that the space station has been successfully placed into orbit at its assigned orbital location and that its operations conform to the terms and conditions of the space station authorization.

(2) For non-geostationary orbit space stations, the license period will begin at 3 a.m. Eastern Time on the date when the licensee notifies the Commission pursuant to § 25.173(b) that operation of an initial space station is compliant with the license terms and conditions and that the space station has been placed in its authorized orbit. Operating authority for all space stations subsequently brought into service pursuant to the license will terminate upon its expiration.

(e) *Renewal of licenses.* Applications for renewals of earth station licenses must be submitted on FCC Form 312R no earlier than 90 days, and no later than 30 days, before the expiration date of the license. Applications for space station system replacement authorization for non-geostationary orbit satellites shall be filed no earlier than 90 days, and no later than 30 days, prior to the end of the twelfth year of the existing license term.

[56 FR 24016, May 28, 1991, as amended at 58 FR 68059, Dec. 23, 1993; 59 FR 53327, Oct. 21, 1994. Redesignated and amended at 62 FR 5928, 5929, Feb. 10, 1997; 65 FR 59142, Oct. 4, 2000; 67 FR 12485, Mar. 19, 2002; 67 FR 51113, Aug. 7, 2002; 68 FR 51503, Aug. 27, 2003; 68 FR 63999, Nov. 12, 2003; 72 FR 50027, Aug. 29, 2007; 75 FR 45067, Aug. 2, 2010; 79 FR 8317, Feb. 12, 2014]

§ 25.129 Equipment authorization for portable earth-station transceivers.

(a) Except as expressly permitted by § 2.803 or § 2.1204 of this chapter, prior authorization must be obtained pursuant to the equipment certification procedure in part 2, subpart J of this chapter for importation, sale or lease in the United States, or offer, shipment, or distribution for sale or lease in the United States of portable earth-station transceivers subject to regulation under part 25. This requirement does not apply, however, to devices im-

ported, sold, leased, or offered, shipped, or distributed for sale or lease before November 20, 2004.

(b) For purposes of this section, an earth-station transceiver is portable if it is a “portable device” as defined in § 2.1093(b) of this chapter, *i.e.*, if its radiating structure(s) would be within 20 centimeters of the operator’s body when the transceiver is in operation.

(c) In addition to the information required by §§ 1.1307(b) and 2.1033(c) of this chapter, applicants for certification required by this section must submit any additional equipment test data necessary to demonstrate compliance with pertinent standards for transmitter performance prescribed in §§ 25.138, 25.202(f), and 25.216, must submit the statements required by § 2.1093(c) of this chapter, and must demonstrate compliance with the labeling requirement in § 25.285(b).

(d) Applicants for certification required by this section must submit evidence that the devices in question are designed for use with a satellite system that may lawfully provide service to users in the United States pursuant to an FCC license or order reserving spectrum.

[69 FR 5709, Feb. 6, 2004, as amended at 79 FR 8317, Feb. 12, 2014; 81 FR 55330, Aug. 18, 2016]

EARTH STATIONS

§ 25.130 Filing requirements for transmitting earth stations.

(a) Applications for a new or modified transmitting earth station facility shall be submitted on FCC Form 312, and associated Schedule B, accompanied by any required exhibits, except for those earth station applications filed on FCC Form 312EZ pursuant to § 25.115(a). All such earth station license applications must be filed electronically through the International Bureau Filing System (IBFS) in accordance with the applicable provisions of part 1, subpart Y of this chapter. Additional filing requirements for Earth Stations on Vessels are described in §§ 25.221 and 25.222. Additional filing requirements for Vehicle-Mounted Earth Stations are described in § 25.226. Additional filing requirements for Earth Stations Aboard Aircraft are described in § 25.227. In addition, applicants that

are not required to submit applications on Form 312EZ, other than ESV, VMES or ESAA applicants, must submit the following information to be used as an “informative” in the public notice issued under §25.151 as an attachment to their application:

(1) A detailed description of the service to be provided, including frequency bands and satellites to be used. The applicant must identify either the specific satellite(s) with which it plans to operate, or the eastern and western boundaries of the arc it plans to coordinate.

(2) The diameter or equivalent diameter of the antenna.

(3) Proposed power and power density levels.

(4) Identification of any random access technique, if applicable.

(5) Identification of a specific rule or rules for which a waiver is requested.

(b) A frequency coordination analysis in accordance with §25.203(b) must be provided for earth stations transmitting in the frequency bands shared with equal rights between terrestrial and space services, except applications for user transceiver units associated with the NVNG MSS, which must instead provide the information required by §25.135, and applications for 1.6/2.4 GHz MSS user transceivers, which must demonstrate that the transceivers will operate in compliance with relevant requirements in §25.213. Also, applications for transmitting earth stations must include any notification or demonstration required by any other relevant provision in §25.203.

(c) In those cases where an applicant is filing a number of essentially similar applications, showings of a general nature applicable to all of the proposed stations may be submitted in the initial application and incorporated by reference in subsequent applications.

(d) Transmissions of signals or programming to non-U.S. licensed satellites, and to and/or from foreign points by means of U.S.-licensed fixed satellites may be subject to restrictions as a result of international agreements or treaties. The Commission will maintain public information on the status of any such agreements.

(e) [Reserved]

(f) Applicants seeking to operate in a shared government/non-government band must provide the half-power beam width of their proposed earth station antenna, as an attachment to their applications.

(g) Parties may apply, either in an initial application or an application for modification of license, for operating authority for multiple transmitting FSS earth stations that are not eligible for blanket or network licensing under another section of this part in the following circumstances:

(1) The antennas would transmit in frequency bands shared with terrestrial services on a co-primary basis and the antennas would be sited within an area bounded by 1 second of latitude and 1 second of longitude.

(2) The antennas would transmit in frequency bands allocated to FSS on a primary basis and there is no co-primary allocation for terrestrial services, and the antennas would be sited within an area bounded by 10 seconds of latitude and 10 seconds of longitude.

NOTE TO PARAGRAPH (g): This paragraph does not apply to applications for blanket-licensed earth station networks filed pursuant to §25.115(c) or §25.218; applications for conventional Ka-band hub stations filed pursuant to §25.115(e); applications for NGSO FSS gateway earth stations filed pursuant to §25.115(f); applications filed pursuant to §§25.221, §25.222, §25.226, or §25.227; or applications for 29 GHz NGSO MSS feeder-link stations in a complex as defined in §25.257.

[56 FR 24016, May 28, 1991, as amended at 58 FR 68059, Dec. 23, 1993; 59 FR 53327, Oct. 21, 1994; 61 FR 4367, Feb. 6, 1996; 61 FR 9952, Mar. 12, 1996; 62 FR 5929, Feb. 10, 1997; 62 FR 64172, Dec. 4, 1997; 69 FR 29901, May 26, 2004; 69 FR 47795, Aug. 6, 2004; 70 FR 4783, Jan. 31, 2005; 70 FR 32253, June 2, 2005; 74 FR 57098, Nov. 4, 2009; 78 FR 14926, Mar. 8, 2013; 79 FR 8317, Feb. 12, 2014; 81 FR 55330, Aug. 18, 2016]

§25.131 Filing requirements and registration for receive-only earth stations.

(a) Except as provided in paragraphs (b) and (j) of this section, applications for licenses for receive-only earth stations shall be submitted on FCC Form 312, Main Form and Schedule B, accompanied by any required exhibits and the information described in §25.130(a)(1) through (a)(5). Such applications must be filed electronically through the International Bureau Filing System

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(IBFS) in accordance with the applicable provisions of part 1, subpart Y of this chapter.

(b) Receive-only earth stations in the FSS that operate with U.S.-licensed space stations, or with non-U.S.-licensed space stations that have been duly approved for U.S. market access, may be registered with the Commission in order to protect them from interference from terrestrial microwave stations in bands shared co-equally with the Fixed Service in accordance with the procedures of §§ 25.203 and 25.251, subject to the stricture in § 25.209(c).

(c) Licensing or registration of receive-only earth stations with the Commission confers no authority to receive and use signals or programming received from satellites. *See* section 705 of the Communications Act, 47 U.S.C. 605.

(d) Applications for registration must be filed on FCC Form 312, Main Form and Schedule B, accompanied by the coordination exhibit required by § 25.203 and any other required exhibits.

(e) Complete applications for registration will be placed on public notice for 30 days and automatically granted if no objection is submitted to the Commission and served on the applicant. Additional pleadings are authorized in accordance with § 1.45 of this chapter.

(f) The registration of a receive-only earth station results in the listing of an authorized frequency band at the location specified in the registration. Interference protection levels are those agreed to during coordination.

(g) Reception of signals or programming from non-U.S. satellites may be subject to restrictions as a result of international agreements or treaties. The Commission will maintain public information on the status of any such agreements.

(h) Registration term: Registrations for receive-only earth stations governed by this section will be issued for a period of 15 years from the date on which the application was filed. Applications for renewals of registrations must be submitted on FCC Form 312R (Application for Renewal of Radio Station License in Specified Services) no earlier than 90 days and no later than

30 days before the expiration date of the registration.

(i) Applications for modification of license or registration of receive-only earth stations shall be made in conformance with §§ 25.117 and 25.118. In addition, registrants are required to notify the Commission when a receive-only earth station is no longer operational or when it has not been used to provide any service during any 6-month period.

(j)(1) Except as set forth in paragraph (j)(2) of this section, receive-only earth stations operating with non-U.S. licensed space stations shall file an FCC Form 312 requesting a license or modification to operate such station.

(2) Operators of receive-only earth stations need not apply for a license to receive transmissions from non-U.S.-licensed space stations that have been duly approved for U.S. market access, provided the space station operator and earth station operator comply with all applicable rules in this chapter and with applicable conditions in the Permitted Space Station List or market-access grant.

[56 FR 24016, May 28, 1991, as amended at 61 FR 9952, Mar. 12, 1996; 62 FR 5929, Feb. 10, 1997; 62 FR 64172, Dec. 4, 1997; 65 FR 58466, Sept. 29, 2000; 67 FR 12485, Mar. 19, 2002; 68 FR 62249, Nov. 3, 2003; 68 FR 63999, Nov. 12, 2003; 69 FR 29901, May 26, 2004; 69 FR 47795, Aug. 6, 2004; 70 FR 32253, June 2, 2005; 78 FR 8421, Feb. 6, 2013; 79 FR 8318, Feb. 12, 2014; 81 FR 55330, Aug. 18, 2016]

§ 25.132 Verification of earth station antenna performance.

(a)(1) Except as provided in paragraph (a)(2) of this section, applications for transmitting earth stations in the FSS, including feeder-link stations, must include a certification that the applicant has reviewed the results of a series of radiation pattern tests performed by the antenna manufacturer on representative equipment in representative configurations, and the test results demonstrate that the equipment meets relevant off-axis gain standards in § 25.209, measured in accordance with paragraph (b)(1) of this section. Applicants and licensees must be prepared to submit the radiation pattern measurements to the Commission on request.

(2) Applicants that specify off-axis EIRP density pursuant to §25.115(g)(1) are exempt from the certification requirement in paragraph (a)(1) of this section.

(b)(1) For purposes of paragraph (a)(1) of this section and §25.115(g)(1), the following measurements on a production antenna performed on calibrated antenna range must be made at the top and bottom of each frequency band assigned for uplink transmission:

(i)(A) Co-polarized gain in the azimuth plane must be measured across a range extending to 180° on each side of the main-lobe axis, and the measurements must be represented in two plots: one across the entire angular range of ±180° from the main-lobe axis and the other across ±10° from the main-lobe axis.

(B) Co-polarized gain must be measured from 0° to 30° from beam peak in the elevation plane.

(ii) Cross-polarization gain must be measured across a range of plus and minus 7° from beam peak in the azimuth and elevation planes.

(iii) Main beam gain.

(iv) For antennas with asymmetric apertures or beams, where the minor axis of the antenna beam (major axis of the antenna aperture) will not always be aligned parallel to the plane tangent to the GSO arc, the measurements in paragraphs (b)(1)(i) through (iii) of this section must be made over the angular ranges specified in paragraphs (b)(1)(i)(A) and (B) of this section in two orthogonal planes, with the antenna oriented at the maximum skew angle at which it will operate.

(2) The relevant envelope specified in §25.209 must be superimposed on each measured pattern.

(c) The tests specified in paragraph (b) of this section are normally performed at the manufacturer's facility; but for those antennas that are very large and only assembled on-site, on-site measurements may be used for product qualification data. If on-site data is to be used for qualification, the test frequencies and number of patterns should follow, where possible, the recommendations in paragraph (b) of this section, and the test data is to be submitted in the same manner as described in paragraph (a) of this section.

(d) For each new or modified transmitting antenna over 3 meters in diameter, except antennas subject to measurement under §25.138(d), the following on-site verification measurements must be completed at one frequency on an available transponder in each frequency band of interest and submitted to the Commission.

(1) Co-polarized patterns in the elevation plane, plus and minus 7 degrees, in the transmit band.

(2) Co-polarized patterns in the azimuth and elevation planes, plus and minus 7 degrees, in the receive band.

(3) *System cross-polarization discrimination on-axis*. The FCC envelope specified in §25.209 shall be superimposed on each pattern. The transmit patterns are to be measured with the aid of a co-operating earth station in coordination with the satellite system control center under the provisions of §25.272.

(e) Certification that the tests required by paragraph (c) of this section have been satisfactorily performed shall be provided to the Commission in notification that construction of the facilities has been completed as required by §25.133.

(f) Antennas less than 3 meters in diameter and antennas on simple (manual) drive mounts that are operated at a fixed site are exempt from the requirements of paragraphs (c) and (d) of this section provided that a detailed technical showing is made that confirms proper installation, pointing procedures, and polarization alignment and manufacturing quality control. These showing must also include a plan for periodic testing and field installation procedures and precautions.

(g) Records of the results of the tests required by this section must be maintained at the antenna site or the earth station operator's control center and be available for inspection.

[58 FR 13419, Mar. 11, 1993, as amended at 69 FR 5710, Feb. 6, 2004; 70 FR 32253, June 2, 2005; 72 FR 50028, Aug. 29, 2007; 74 FR 47102, Sept. 15, 2009; 74 FR 57098, Nov. 4, 2009; 78 FR 14926, Mar. 8, 2013; 79 FR 8318, Feb. 12, 2014; 81 FR 55330, Aug. 18, 2016]

§ 25.133

§ 25.133 Period of construction; certification of commencement of operation.

(a)(1) Each initial license for an earth station governed by this part, except for blanket licenses, will specify as a condition therein the period in which construction of facilities must be completed and station operation commenced. Construction of the earth station must be completed and the station must be brought into operation within 12 months from the date of the license grant except as may be determined by the Commission for any particular application.

(2) Operation of a network of earth stations at unspecified locations under an initial blanket license must commence within 12 months from the date of the license grant unless the Commission orders otherwise.

(b)(1) Each initial license for a transmitting earth station or modified license authorizing operation of an additional transmitting antenna, except for blanket licenses, will also specify as a condition therein that upon completion of construction, the licensee must file with the Commission a certification containing the following information:

- (i) The name of the licensee;
- (ii) File number of the application;
- (iii) Call sign of the antenna;
- (iv) Date of the license;
- (v) A certification that the facility as authorized has been completed and that each antenna has been tested and found to perform within authorized gain patterns or off-axis EIRP density levels; and
- (vi) The date when the earth station became operational.
- (vii) A statement that the station will remain operational during the license period unless the license is submitted for cancellation.

(2) For FSS earth stations authorized under a blanket license, the licensee must notify the Commission when the earth station network commences operation. The notification should include the information described in paragraphs (b)(1)(i) through (iv) of this section and a certification that each hub antenna, and a type of antenna used in remote stations in the network, has been tested and found to perform within authorized gain patterns or off-

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axis EIRP density levels. For any type of antenna whose performance was not certified when the network commenced operation, the licensee must submit the information and certification stated above for the antenna type when it is first deployed.

(c) [Reserved]

(d) Each receiving earth station licensed or registered pursuant to § 25.131 must be constructed and placed into service within 6 months after coordination has been completed. Each licensee or registrant must file with the Commission a certification that the facility is completed and operating as provided in paragraph (b) of this section, with the exception of certification of antenna patterns.

[56 FR 24016, May 28, 1991, as amended at 58 FR 68059, Dec. 23, 1993; 59 FR 53327, Oct. 21, 1994; 65 FR 59142, Oct. 4, 2000; 70 FR 32254, June 2, 2005; 78 FR 8421, Feb. 6, 2013; 79 FR 8318, Feb. 12, 2014; 81 FR 55330, Aug. 18, 2016]

§ 25.134 [Reserved]

§ 25.135 Licensing provisions for earth station networks in the non-voice, non-geostationary Mobile-Satellite Service.

(a) Each applicant for a blanket earth station license in the non-voice, non-geostationary mobile-satellite service shall demonstrate that transceiver operations will not cause unacceptable interference to other authorized users of the spectrum, based on existing system information publicly available at the Commission at the time of filing, and will comply with operational conditions placed upon the systems with which they are to operate in accordance with § 25.142(b). This demonstration shall include a showing as to all the technical parameters, including duty cycle and power limits, under which the individual user transceivers will operate.

(b) [Reserved]

(c) Transceiver units in this service are authorized to communicate with and through U.S.-authorized space stations only.

[58 FR 68059, Dec. 23, 1993, as amended at 69 FR 5710, Feb. 6, 2004; 79 FR 8319, Feb. 12, 2014]

§ 25.136 [Reserved]

§ 25.137 Requests for U.S. market access through non-U.S.-licensed space stations.

(a) Earth station applicants requesting authority to communicate with a non-U.S.-licensed space station and entities filing a petition for declaratory ruling to access the United States market using a non-U.S.-licensed space station must attach an exhibit with their FCC Form 312 demonstrating that U.S.-licensed satellite systems have effective competitive opportunities to provide analogous services in:

(1) The country in which the non-U.S. licensed space station is licensed; and

(2) All countries in which communications with the U.S. earth station will originate or terminate. The applicant bears the burden of showing that there are no practical or legal constraints that limit or prevent access of the U.S. satellite system in the relevant foreign markets. The exhibit required by this paragraph must also include a statement of why grant of the application is in the public interest. This paragraph shall not apply with respect to requests for authority to operate using a non-U.S. licensed satellite that is licensed by or seeking a license from a country that is a member of the World Trade Organization for services covered under the World Trade Organization Basic Telecommunications Agreement.

(b) Any request pursuant to paragraph (a) of this section must be filed electronically through the International Bureau Filing System and must include an exhibit providing legal and technical information for the non-U.S.-licensed space station of the kind that § 25.114 would require in a license application for that space-station, including but not limited to, information required to complete Schedule S. An applicant may satisfy this requirement by cross-referencing a pending application containing the requisite information or by citing a prior grant of authority to communicate via the space station in question in the same frequency bands to provide the same type of service.

(c) A non-U.S.-licensed NGSO-like satellite system seeking to serve the

United States can be considered contemporaneously with other U.S. NGSO-like satellite systems pursuant to § 25.157 and considered before later-filed applications of other U.S. satellite system operators, and a non-U.S.-licensed GSO-like satellite system seeking to serve the United States can have its request placed in a queue pursuant to § 25.158 and considered before later-filed applications of other U.S. satellite system operators, if the non-U.S.-licensed satellite system:

(1) Is in orbit and operating;

(2) Has a license from another administration; or

(3) Has been submitted for coordination to the International Telecommunication Union.

(d) Earth station applicants requesting authority to communicate with a non-U.S.-licensed space station and entities filing a petition for declaratory ruling to access the United States market must demonstrate that the non-U.S.-licensed space station has complied with all applicable Commission requirements for non-U.S.-licensed systems to operate in the United States, including but not limited to the following:

(1) Milestones;

(2) Reporting requirements;

(3) Any other applicable service rules;

(4) The surety bond requirement in § 25.165, for non-U.S.-licensed space stations that are not in orbit and operating.

(5) Recipients of U.S. market access for NGSO-like satellite operation that have one market access request on file with the Commission in a particular frequency band, or one granted market access request for an unbuilt NGSO-like system in a particular frequency band, will not be permitted to request access to the U.S. market through another NGSO-like system in that frequency band.

(e) An entity requesting access to the United States market through a non-U.S.-licensed space station pursuant to a petition for declaratory ruling may amend its request by submitting an additional petition for declaratory ruling. Such additional petitions will be treated on the same basis as amendments filed by U.S. space station applicants for purposes of determining the order

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in which the petitions will be considered relative to pending applications and petitions.

(f) A non-U.S.-licensed space station operator that has been granted access to the United States market pursuant to a declaratory ruling may modify its U.S. operations under the procedures set forth in §§25.117(d) and (h) and 25.118(e).

(g) A non-U.S.-licensed satellite operator that has been permitted to serve the United States pursuant to a Petition for Declaratory Ruling must notify the Commission if it plans to transfer control or assign its license to another party, so that the Commission can afford interested parties an opportunity to comment on whether the proposed transaction affects any of the considerations we made when we allowed the satellite operator to enter the U.S. market. If the transferee or assignee is not licensed by or seeking a license from a country that is a member of the World Trade Organization for services covered under the World Trade

Organization Basic Telecommunications Agreement, the non-U.S.-licensed satellite operator will be required to make the showing described in paragraph (a) of this section.

[62 FR 64172, Dec. 4, 1997, as amended at 64 FR 61792, Nov. 15, 1999; 65 FR 16327, Mar. 28, 2000; 65 FR 59143, Oct. 4, 2000; 68 FR 51503, Aug. 27, 2003; 68 FR 62249, Nov. 3, 2003; 69 FR 51587, Aug. 20, 2004; 78 FR 8422, Feb. 6, 2013; 81 FR 55331, Aug. 18, 2016]

§ 25.138 Licensing requirements for GSO FSS earth stations in the conventional Ka-band.

(a) Applications for earth station licenses in the GSO FSS in the conventional Ka-band that indicate that the following requirements will be met and include the information required by relevant provisions in §§25.115 and 25.130 may be routinely processed:

(1) The EIRP density of co-polarized signals in the plane tangent to the GSO arc, as defined in §25.103, will not exceed the following values under clear sky conditions:

32.5–25log(θ)	dBW/MHz	for $2.0^\circ \leq \theta \leq 7^\circ$.
11.5	dBW/MHz	for $7^\circ \leq \theta \leq 9.2^\circ$
35.5–25log(θ)	dBW/MHz	for $9.2^\circ \leq \theta \leq 19.1^\circ$
3.5	dBW/MHz	for $19.1^\circ < \theta \leq 180^\circ$

Where:

θ is the angle in degrees from a line from the earth station antenna to the assigned orbital location of the target satellite.

(2) In the plane perpendicular to the GSO arc, as defined in §25.103, the EIRP density of co-polarized signals will not exceed the following values under clear sky conditions:

35.5–25log(θ)	dBW/MHz	for $3.5^\circ \leq \theta \leq 7^\circ$
14.4	dBW/MHz	for $7^\circ < \theta \leq 9.2^\circ$
38.5–25log(θ)	dBW/MHz	for $9.2^\circ < \theta \leq 19.1^\circ$
6.5	dBW/MHz	for $19.1^\circ < \theta \leq 180^\circ$

Where θ is as defined in paragraph (a)(1) of this section.

(3) The EIRP density levels specified in paragraphs (a)(1) and (2) of this section may be exceeded by up to 3 dB, for values of $\theta > 7^\circ$, over 10% of the range of theta (θ) angles from 7–180° on each

side of the line from the earth station to the target satellite.

(4) The EIRP density of cross-polarized signals will not exceed the following values in the plane tangent to the GSO arc or in the plane perpendicular to the GSO arc under clear sky conditions:

22.5–25log(θ)	dBW/MHz	for 2.0° < θ ≤ 7.0°
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Where θ is as defined in paragraph (a)(1) of this section.

(5) A license application for earth station operation in a network using variable power density control of earth stations transmitting simultaneously in shared frequencies to the same target satellite receiving beam may be routinely processed if the applicant certifies that the aggregate off-axis EIRP density from all co-frequency earth stations transmitting simultaneously to the same target satellite receiving beam, not resulting from colliding data bursts transmitted pursuant to a contention protocol, will not exceed the off-axis EIRP density limits permissible for a single earth station, as specified in paragraphs (a)(1) through (a)(4) of this section.

(6) Power flux-density (PFD) at the Earth's surface produced by emissions from a space station for all conditions, including clear sky, and for all methods of modulation shall not exceed a level of -118 dBW/m²/MHz, in addition to the limits specified in §25.208 (d).

(b) Operation with off-axis EIRP density exceeding a relevant envelope specified in paragraph (a) of this section and applications proposing such operation are subject to coordination requirements in §25.220.

(c)–(e) [Reserved]

(f) The holder of a blanket license pursuant to this section will be responsible for operation of any transceiver to receive service provided by that licensee or provided by another party with the blanket licensee's consent. Space station operators may not transmit communications to or from user transceivers in the United States in the 18.3–18.8 GHz, 19.7–20.2 GHz, 28.35–28.6 GHz, or 29.25–30.0 GHz band unless such communications are authorized under an FCC earth station license.

[65 FR 54169, Sept. 7, 2000, as amended at 66 FR 63515, Dec. 7, 2001; 68 FR 16966, Apr. 8, 2003; 69 FR 5710, Feb. 6, 2004; 73 FR 70900, Nov. 24, 2008; 79 FR 8319, Feb. 12, 2014; 81 FR 55331, Aug. 18, 2016]

§25.139 NGSO FSS coordination and information sharing between MVDDS licensees in the 12.2 GHz to 12.7 GHz band.

(a) NGSO FSS licensees shall maintain a subscriber database in a format that can be readily shared with MVDDS licensees for the purpose of determining compliance with the MVDDS transmitting antenna spacing requirement relating to qualifying existing NGSO FSS subscriber receivers set forth in §101.129 of this chapter. This information shall not be used for purposes other than set forth in §101.129 of this chapter. Only sufficient information to determine compliance with §101.129 of this chapter is required.

(b) Within ten business days of receiving notification of the location of a proposed MVDDS transmitting antenna, the NGSO FSS licensee shall provide sufficient information from the database to enable the MVDDS licensee to determine whether the proposed MVDDS transmitting site meets the minimum spacing requirement.

(c) If the location of the proposed MVDDS transmitting antenna site does not meet the separation requirements of §101.129 of this chapter, then the NGSO FSS licensee shall also indicate to the MVDDS licensee within the same ten day period specified in paragraph (b) of this section whether the proposed MVDDS transmitting site is acceptable at the proposed location.

(d) Nothing in this section shall preclude NGSO FSS and MVDDS licensees from entering into an agreement to accept MVDDS transmitting antenna locations that are shorter-spaced from existing NGSO FSS subscriber receivers than the distance set forth in §101.129 of this chapter.

[67 FR 43037, June 26, 2002, as amended at 68 FR 43945, July 25, 2003]

SPACE STATIONS

§ 25.140 Further requirements for license applications for GSO space station operation in the FSS and the 17/24 GHz BSS.

(a)(1) In addition to the information required by § 25.114, an applicant for GSO FSS space station operation involving transmission of analog video signals must certify that the proposed analog video operation has been coordinated with operators of authorized co-frequency space stations within six degrees of the requested orbital location.

(2) In addition to the information required by § 25.114, an applicant for GSO FSS space station operation at an orbital location less than two degrees from the assigned location of an authorized co-frequency GSO space station must either certify that the proposed operation has been coordinated with the operator of the co-frequency space station or submit an interference analysis demonstrating the compatibility of the proposed system with the co-frequency space station. Such an analysis must include, for each type of radio frequency carrier, the link noise budget, modulation parameters, and overall link performance analysis. (See Appendices B and C to Licensing of Space Stations in the Domestic Fixed-Satellite Service, FCC 83–184, and the following public notices, copies of which are available in the Commission’s EDOCS database: DA 03–3863 and DA 04–1708.) The provisions in this paragraph do not apply to proposed analog video operation, which is subject to the requirement in paragraph (a)(1) of this section.

(3) In addition to the information required by § 25.114, an applicant for a GSO FSS space station must provide the following for operation other than analog video operation:

(i) With respect to proposed operation in the conventional or extended C-bands, a certification that downlink EIRP density will not exceed 3 dBW/4kHz for digital transmissions or 8 dBW/4kHz for analog transmissions and that associated uplink operation will not exceed applicable EIRP density envelopes in § 25.218 or § 25.221(a)(1) unless the non-routine uplink and/or downlink operation is coordinated with operators

of authorized co-frequency space stations at assigned locations within six degrees of the orbital location of the proposed space station and except as provided in paragraph (d) of this section.

(ii) With respect to proposed operation in the conventional or extended Ku-bands, a certification that downlink EIRP density will not exceed 14 dBW/4kHz for digital transmissions or 17 dBW/4kHz for analog transmissions and that associated uplink operation will not exceed applicable EIRP density envelopes in § 25.218, § 25.222(a)(1), § 25.226(a)(1), or § 25.227(a)(1) unless the non-routine uplink and/or downlink operation is coordinated with operators of authorized co-frequency space stations at assigned locations within six degrees of the orbital location of the proposed space station and except as provided in paragraph (d) of this section.

(iii) With respect to proposed operation in the conventional Ka-band, a certification that the proposed space station will not generate power flux-density at the Earth’s surface in excess of -118 dBW/m²/MHz and that associated uplink operation will not exceed applicable EIRP density envelopes in § 25.138(a) unless the non-routine uplink and/or downlink operation is coordinated with operators of authorized co-frequency space stations at assigned locations within six degrees of the orbital location and except as provided in paragraph (d) of this section.

(iv) With respect to proposed operation in the 4500–4800 MHz (space-to-Earth), 6725–7025 MHz (Earth-to-space), 10.70–10.95 GHz (space-to-Earth), 11.20–11.45 GHz (space-to-Earth), and/or 12.75–13.25 GHz (Earth-to-space) bands, a statement that the proposed operation will take into account the applicable requirements of Appendix 30B of the ITU Radio Regulations (incorporated by reference, *see* § 25.108) and a demonstration that it is compatible with other U.S. ITU filings under Appendix 30B.

(v) With respect to proposed operation in other FSS bands, an interference analysis demonstrating compatibility with any previously authorized co-frequency space station at a location two degrees away or a certification that the proposed operation has been coordinated with the operator(s) of the previously authorized space station(s). If there is no previously authorized space station at a location two degrees away, the applicant must submit an interference analysis demonstrating compatibility with a hypothetical co-frequency space station two degrees away with the same receiving and transmitting characteristics as the proposed space station.

(b) Each applicant for a license for a 17/24 GHz Broadcasting-Satellite Service space station must provide the following information, in addition to that required by § 25.114:

(1)–(2) [Reserved]

(3) Except as described in paragraph (b)(5) of this section, an applicant for a license to operate a 17/24 GHz BSS space station that will be located precisely at one of the 17/24 GHz BSS orbital locations specified in Appendix F of the Report and Order adopted May 2, 2007, IB Docket No. 06–123, FCC 07–76, must certify that the downlink power flux density on the Earth’s surface will not exceed the values specified in § 25.208(w), and that the associated feeder-link earth station transmissions will not exceed the EIRP density limits in § 25.223(c) unless the non-conforming uplink operation is coordinated with other affected 17/24 GHz BSS systems in accordance with § 25.223(c).

(4) Except as described in paragraph (b)(5) of this section, an applicant for a license to operate a 17/24 GHz BSS space station that will not be located precisely at one of the nominal 17/24 GHz BSS orbital locations specified in Appendix F of the Report and Order adopted May 2, 2007, IB Docket No. 06–123, FCC 07–76, must make one of the following showings:

(i) In cases where there is no previously licensed or proposed space station to be located closer than four degrees from the applicant’s space station, and the applicant seeks to operate pursuant to § 25.262(b) of this part, the applicant must provide an inter-

ference analysis of the kind described in paragraph (a) of this section, except that the applicant must demonstrate the compatibility of its proposed network with any current or future authorized space stations in the 17/24 GHz BSS that are operating in compliance with the technical rules of this part and that will be located at least four degrees from the applicant’s proposed space station;

(ii) In cases where there is a previously licensed or proposed 17/24 GHz BSS space station to be located within four degrees of the applicant’s proposed space station, the applicant must provide an interference analysis of the kind described in paragraph (a) of this section, except that the applicant must demonstrate that its proposed network will not cause more interference to the adjacent 17/24 GHz BSS satellite networks operating in compliance with the technical requirements of this part, than if the applicant were located at the precise Appendix F orbital location from which it seeks to offset;

(iii) In cases where there is no previously licensed or proposed 17/24 GHz BSS space station to be located within four degrees of the applicant’s proposed space station, and the applicant does not seek to operate pursuant to § 25.262(b) of this part, the applicant must provide an interference analysis of the kind described in paragraph (a) of this section, except that the applicant must demonstrate that its proposed operations will not cause more interference to any current or future 17/24 GHz BSS satellite networks operating in compliance with the technical requirements of this part, than if the applicant were located at the precise Appendix F orbital location from which it seeks to offset.

(5) An applicant for a license to operate a 17/24 GHz BSS space station, in cases where there is a previously licensed or proposed space station operating pursuant to § 25.262(b) of this part located within four degrees of the applicant’s proposed 17/24 GHz BSS space station, must provide an interference analysis of the kind described in paragraph (a) of this section, except that the applicant must demonstrate that its proposed operations will not cause more interference to the adjacent 17/24

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GHz BSS satellite network than if the adjacent space station were located four degrees from the applicant's space station.

(6) In addition to the requirements of paragraphs (b)(3), (b)(4), and (b)(5) of this section, the link budget for any satellite in the 17/24 GHz BSS must take into account longitudinal stationkeeping tolerances and, where appropriate, any existing orbital location offsets from the 17/24 GHz BSS orbital locations of the adjacent prior-authorized 17/24 GHz BSS space stations. In addition, any 17/24 GHz BSS satellite applicant that has reached a coordination agreement with an operator of another 17/24 GHz BSS satellite to allow that operator to exceed the pfd levels specified in the rules for this service, must use those higher pfd levels for the purposes of this showing.

(c) Operators of satellite networks using 17/24 GHz BSS space stations must design their satellite networks to be capable of operating with another 17/24 GHz BSS space station as follows:

(1) Except as described in paragraphs (b)(4)(ii) and (b)(4)(iii) of this section, all satellite network operators using 17/24 GHz BSS space stations must design their satellite networks to be capable of operating with another 17/24 GHz BSS space station as close as four degrees away.

(2) Satellite network operators located less than four degrees away from a space station to be operated pursuant to § 25.262(b) of this part must design their satellite networks to be capable of operating with that adjacent 17/24 GHz BSS space station.

(3) Satellite network operators using 17/24 GHz BSS space stations located at an orbital location other than those specified in Appendix F of the Report and Order adopted May 2, 2007, IB Docket No. 06–123, FCC 07–76, and that are not operating pursuant to § 25.262(b) of this part, must design their satellite networks to be capable of operating with another 17/24 GHz BSS space station closer than four degrees away, as a result of the operator's offset position.

(d) An operator of a GSO FSS space station in the conventional or extended C-bands, conventional or extended Ku-bands, or conventional Ka-band may

notify the Commission of its non-routine transmission levels and be relieved of the obligation to coordinate such levels with later applicants and petitioners.

(1) The letter notification must include the downlink off-axis EIRP density levels or power flux density levels and/or uplink off-axis EIRP density levels, specified per frequency range and space station antenna beam, that exceed the relevant routine limits set forth in paragraphs (a)(3)(i) through (iii) of this section and § 25.138(a), § 25.218, § 25.221(a)(1), § 25.222(a)(1), § 25.226(a)(1), or § 25.227(a)(1).

(2) The notification will be placed on public notice pursuant to § 25.151(a)(11).

(3) Non-routine transmissions notified pursuant to this paragraph (d) need not be coordinated with operators of authorized co-frequency space stations that filed their complete applications or petitions after the date of filing of the notification with the Commission. Such later applicants and petitioners must accept any additional interference caused by the notified non-routine transmissions.

(4) An operator of a replacement space station, as defined in § 25.165(e), may operate with non-routine transmission levels to the extent permitted under paragraph (d)(3) of this section for the replaced space station.

(e)–(g) [Reserved]

[62 FR 5929, Feb. 10, 1997, as amended at 68 FR 51504, Aug. 27, 2003; 72 FR 50028, Aug. 29, 2007; 72 FR 60279, Oct. 24, 2007; 78 FR 8422, Feb. 6, 2013; 79 FR 8319, Feb. 12, 2014; 79 FR 44312, July 31, 2014; 81 FR 55332, Aug. 18, 2016]

EFFECTIVE DATE NOTE: At 79 FR 44312, July 31, 2014, the amendatory instruction at 79 FR 8319, Feb. 12, 2014, was corrected by adding "revise paragraph (b) introductory text". This text contains information collection and recordkeeping requirements and will not become effective until approval has been given by the Office of Management and Budget.

§ 25.142 Licensing provisions for the non-voice, non-geostationary Mobile-Satellite Service.

(a) *Space station application requirements.* (1) Each application for a space station system authorization in the non-voice, non-geostationary mobile-satellite service shall describe in detail

the proposed non-voice, non-geostationary mobile-satellite system, setting forth all pertinent technical and operational aspects of the system, and the technical and legal qualifications of the applicant. In particular, each application shall include the information specified in §25.114. Applicants must also file information demonstrating compliance with all requirements of this section, and showing, based on existing system information publicly available at the Commission at the time of filing, that they will not cause unacceptable interference to any non-voice, non-geostationary mobile-satellite service system authorized to construct or operate.

(2) Applicants for a non-voice, non-geostationary Mobile-Satellite Service space station license must identify the power flux density produced at the Earth's surface by each space station of their system in the 137-138 MHz and 400.15-401 MHz bands, to allow determination of whether coordination with terrestrial services is required under any applicable footnote to the Table of Frequency Allocations in §2.106 of this chapter. In addition, applicants must identify the measures they would employ to protect the radio astronomy service in the 150.05-153 MHz and 406.1-410 MHz bands from harmful interference from unwanted emissions.

(3) Emission limitations. (i) Applicants in the non-voice, non-geostationary mobile-satellite service shall show that their space stations will not exceed the emission limitations of §25.202(f) (1), (2) and (3), as calculated for a fixed point on the Earth's surface in the plane of the space station's orbit, considering the worst-case frequency tolerance of all frequency determining components, and maximum positive and negative Doppler shift of both the uplink and downlink signals, taking into account the system design.

(ii) Applicants in the non-voice, non-geostationary mobile-satellite service shall show that no signal received by their satellites from sources outside of their system shall be retransmitted with a power flux density level, in the worst 4 kHz, higher than the level described by the applicants in paragraph (a)(2) of this section.

(4) [Reserved]

(b) *Operating conditions.* In order to ensure compatible operations with authorized users in the frequency bands to be utilized for operations in the non-voice, non-geostationary mobile-satellite service, non-voice, non-geostationary mobile-satellite service systems must operate in accordance with the conditions specified in this section.

(1) Service limitation. Voice services may not be provided.

(2) Coordination requirements with Federal government users.

(i) The frequency bands allocated for use by the non-voice, non-geostationary mobile-satellite service are also authorized for use by agencies of the Federal government. The Federal use of frequencies in the non-voice, non-geostationary mobile-satellite service frequency bands is under the regulatory jurisdiction of the National Telecommunications and Information Administration (NTIA).

(ii) The Commission will use its existing procedures for liaison with NTIA to reach agreement with respect to achieving compatible operations between Federal Government users under the jurisdiction of NTIA and non-voice, non-geostationary Mobile-Satellite Service systems (including user transceivers subject to blanket licensing under §25.115(d)) through the frequency assignment and coordination practices established by NTIA and the Interdepartment Radio Advisory Committee (IRAC). In order to facilitate such frequency assignment and coordination, applicants shall provide the Commission with sufficient information to evaluate electromagnetic compatibility with the Federal government use of the spectrum, and any additional information requested by the Commission. As part of the coordination process, applicants shall show that they will not cause unacceptable interference to authorized Federal government users, based upon existing system information provided by the Government. The frequency assignment and coordination of the satellite system with Federal Government users shall be completed prior to grant of authorization.

(iii) The Commission shall also coordinate with NTIA/IRAC with regard

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to the frequencies to be shared by those earth stations of non-voice, non-geostationary mobile-satellite service systems that are not subject to blanket licensing under § 25.115(d), and authorized Federal government stations in the fixed and mobile services, through the exchange of appropriate systems information.

(3) Coordination among non-voice, non-geostationary mobile-satellite service systems. Applicants for authority to establish non-voice, non-geostationary mobile-satellite service systems are encouraged to coordinate their proposed frequency usage with existing permittees and licensees in the non-voice, non-geostationary mobile-satellite service whose facilities could be affected by the new proposal in terms of frequency interference or restricted system capacity. All affected applicants, permittees, and licensees shall, at the direction of the Commission, cooperate fully and make every reasonable effort to resolve technical problems and conflicts that may inhibit effective and efficient use of the radio spectrum; however, the permittee or licensee being coordinated with is not obligated to suggest changes or re-engineer an applicant's proposal in cases involving conflicts.

(4) Safety and distress communications. Stations operating in the non-voice, non-geostationary mobile-satellite service that are used to comply with any statutory or regulatory equipment carriage requirements may also be subject to the provisions of sections 321(b) and 359 of the Communications Act of 1934, as amended. Licensees are advised that these provisions give priority to radio communications or signals relating to ships in distress and prohibit a charge for the transmission of maritime distress calls and related traffic.

(c) [Reserved]

(d) *Prohibition of certain agreements.* No license shall be granted to any applicant for a non-voice, non-geostationary mobile-satellite service system if that applicant, or any companies controlling or controlled by the applicant, shall acquire or enjoy any right, for the purpose of handling traffic to or from the United States, its territories or possessions, to construct

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or operate space segment or earth stations in the non-voice, non-geosynchronous mobile-satellite service, or to interchange traffic, which is denied to any other United States company by reason of any concession, contract, understanding, or working arrangement to which the licensee or any persons or companies controlling or controlled by the licensee are parties.

[58 FR 68060, Dec. 23, 1993, as amended at 62 FR 5930, Feb. 10, 1997; 62 FR 59295, Nov. 3, 1997; 68 FR 51504, Aug. 27, 2003; 78 FR 8422, Feb. 6, 2013; 79 FR 8320, Feb. 12, 2014; 81 FR 55333, Aug. 18, 2016]

§ 25.143 Licensing provisions for the 1.6/2.4 GHz Mobile-Satellite Service and 2 GHz Mobile-Satellite Service.

(a) Authority to launch and operate a constellation of NGSO satellites will be granted in a single blanket license for operation of a specified number of space stations in specified orbital planes. An individual license will be issued for each GSO satellite, whether it is to be operated in a GSO-only system or in a GSO/NGSO hybrid system.

(b) *Qualification Requirements*—(1) *General Requirements.* Each application for a space station system authorization in the 1.6/2.4 GHz Mobile-Satellite Service or 2 GHz Mobile-Satellite Service must include the information specified in § 25.114. Applications for non-U.S.-licensed systems must comply with the provisions of § 25.137.

(2) *Technical qualifications.* In addition to providing the information specified in paragraph (b)(1) of this section, each applicant and petitioner must demonstrate the following:

(i) That a proposed system in the 1.6/2.4 GHz MSS frequency bands employs a non-geostationary constellation or constellations of satellites;

(ii) That a system proposed to operate using non-geostationary satellites be capable of providing Mobile-Satellite Service to all locations as far north as 70° North latitude and as far south as 55° South latitude for at least 75% of every 24-hour period, i.e., that at least one satellite will be visible above the horizon at an elevation angle of at least 5° for at least 18 hours each day within the described geographic area;

(iii) That a system proposed to operate using non-geostationary satellites be capable of providing Mobile-Satellite Service on a continuous basis throughout the fifty states, Puerto Rico and the U.S. Virgin Islands, i.e., that at least one satellite will be visible above the horizon at an elevation angle of at least 5° at all times within the described geographic areas; and

(iv) That a system only using geostationary orbit satellites, at a minimum, be capable of providing Mobile-Satellite Service on a continuous basis throughout the 50 states, Puerto Rico, and the U.S. Virgin Islands, if technically feasible.

(v) That operations will not cause unacceptable interference to other authorized users of the spectrum. In particular, each application in the 1.6/2.4 GHz frequency bands shall demonstrate that the space station(s) comply with the requirements specified in §25.213.

(c) *Safety and distress communications.*

(1) Stations operating in the 1.6/2.4 GHz Mobile-Satellite Service and 2 GHz Mobile-Satellite Service that are voluntarily installed on a U.S. ship or are used to comply with any statute or regulatory equipment carriage requirements may also be subject to the requirements of sections 321(b) and 359 of the Communications Act of 1934. Licensees are advised that these provisions give priority to radio communications or signals relating to ships in distress and prohibits a charge for the transmission of maritime distress calls and related traffic.

(2) Licensees offering distress and safety services should coordinate with the appropriate search and rescue organizations responsible for the licensees service area.

(d) Prohibition of certain agreements. No license shall be granted to any applicant for a space station in the Mobile-Satellite Service operating at 1610-1626.5 MHz/2483.5-2500 MHz if that applicant, or any persons or companies controlling or controlled by the applicant, shall acquire or enjoy any right, for the purpose of handling traffic to or from the United States, its territories or possession, to construct or operate space segment or earth stations, or to interchange traffic, which is denied to any other United States company by

reason of any concession, contract, understanding, or working arrangement to which the Licensee or any persons or companies controlling or controlled by the Licensee are parties.

[59 FR 53328, Oct. 21, 1994, as amended at 61 FR 9945, Mar. 12, 1996; 62 FR 5930, Feb. 10, 1997; 65 FR 59143, Oct. 4, 2000; 68 FR 33649, June 5, 2003; 68 FR 47858, Aug. 12, 2003; 68 FR 51504, Aug. 27, 2003; 70 FR 59277, Oct. 12, 2005; 78 FR 8267, Feb. 5, 2013; 78 FR 8422, Feb. 6, 2013; 79 FR 8320, Feb. 12, 2014; 81 FR 55333, Aug. 18, 2016]

§25.144 Licensing provisions for the 2.3 GHz satellite digital audio radio service.

(a) Qualification Requirements:

(1) [Reserved]

(2) General Requirements: Each application for a system authorization in the satellite digital audio radio service in the 2310-2360 MHz band shall describe in detail the proposed satellite digital audio radio system, setting forth all pertinent technical and operational aspects of the system, and the technical, legal, and financial qualifications of the applicant. In particular, applicants must file information demonstrating compliance with §25.114 and all of the requirements of this section.

(3) Technical Qualifications: In addition to the information specified in paragraph (a)(1) of this section, each applicant shall:

(i) Demonstrate that its system will, at a minimum, service the 48 contiguous states of the United States (full CONUS);

(ii) Certify that its satellite DARS system includes a receiver that will permit end users to access all licensed satellite DARS systems that are operational or under construction; and

(b) Milestone requirements. Each applicant for system authorization in the satellite digital audio radio service must demonstrate within 10 days after a required implementation milestone as specified in the system authorization, and on the basis of the documentation contained in its application, certify to the Commission by affidavit that the milestone has been met or notify the Commission by letter that it has not been met. At its discretion, the

Commission may require the submission of additional information (supported by affidavit of a person or persons with knowledge thereof) to demonstrate that the milestone has been met. The satellite DARS milestones are as follows, based on the date of authorization:

(1) One year: Complete contracting for construction of first space station or begin space station construction;

(2) Two years: If applied for, complete contracting for construction of second space station or begin second space station construction;

(3) Four years: In orbit operation of at least one space station; and

(4) Six years: Full operation of the satellite system.

(c) [Reserved]

(d) The license term for each digital audio radio service satellite and any associated terrestrial repeaters is specified in § 25.121.

(e) *SDARS Terrestrial Repeaters.* (1) Only entities holding or controlling SDARS space station licenses may construct and operate SDARS terrestrial repeaters and such construction and operation is permitted only in conjunction with at least one SDARS space station that is concurrently authorized and transmitting directly to subscribers.

(2) SDARS terrestrial repeaters will be eligible for blanket licensing only under the following circumstances:

(i) The SDARS terrestrial repeaters will comply with all applicable power limits set forth in § 25.214(d)(1) of this chapter and all applicable out-of-band emission limits set forth in § 25.202(h)(1) and (h)(2).

(ii) The SDARS terrestrial repeaters will meet all applicable requirements in part 1, subpart I, and part 17 of this chapter. Operators of SDARS terrestrial repeaters must maintain demonstrations of compliance with part 1, subpart I, of this chapter and make such demonstrations available to the Commission upon request within three business days.

(iii) The SDARS terrestrial repeaters will comply with all requirements of all applicable international agreements.

(3) After May 20, 2010, SDARS licensees shall, before deploying any new, or

modifying any existing, terrestrial repeater, notify potentially affected WCS licensees pursuant to the procedure set forth in § 25.263.

(4) SDARS terrestrial repeaters are restricted to the simultaneous retransmission of the complete programming, and only that programming, transmitted by the SDARS licensee's satellite(s) directly to the SDARS licensee's subscribers' receivers, and may not be used to distribute any information not also transmitted to all subscribers' receivers.

(5) Operators of SDARS terrestrial repeaters are prohibited from using those repeaters to retransmit different transmissions from a satellite to different regions within that satellite's coverage area.

(6) Operators of SDARS terrestrial repeaters are required to comply with all applicable provisions of part 1, subpart I, and part 17 of this chapter.

(7)(i) Each SDARS terrestrial repeater transmitter utilized for operation under this paragraph must be of a type that has been authorized by the Commission under its certification procedure.

(ii) In addition to the procedures set forth in subpart J of part 2 of this chapter, power measurements for SDARS repeater transmitters may be made in accordance with a Commission-approved average power technique. Peak-to-average power ratio (PAPR) measurements for SDARS repeater transmitters should be made using either an instrument with complementary cumulative distribution function (CCDF) capabilities to determine that the PAPR will not exceed 13 dB for more than 0.1 percent of the time or another Commission approved procedure. The measurement must be performed using a signal corresponding to the highest PAPR expected during periods of continuous transmission.

(iii) Any manufacturer of radio transmitting equipment to be used in these services may request equipment authorization following the procedures set forth in subpart J of part 2 of this chapter. Equipment authorization for an individual transmitter may be requested by an applicant for a station authorization by following the procedures set forth in part 2 of this chapter.

(8) Applications for blanket authority to operate terrestrial repeaters must be filed using Form 312, except that Schedule B to Form 312 need not be filed. Such applications must also include the following information as an attachment:

(i) The space station(s) with which the terrestrial repeaters will communicate, the frequencies and emission designators of such communications, and the frequencies and emission designators used by the repeaters to retransmit the received signals.

(ii) The maximum number of terrestrial repeaters that will be deployed under the authorization at 1) power levels equal to or less than 2-watt average EIRP, and 2) power levels greater than 2-watt average EIRP (up to 12-kW average EIRP).

(iii) A certification of compliance with the requirements of §25.144(e)(1) through (7).

(9) SDARS terrestrial repeaters that are ineligible for blanket licensing must be authorized on a site-by-site basis. Applications for site-by-site authorization must be filed using Form 312, except that Schedule B need not be provided. Such applications must also include the following information, as an attachment:

(i) The technical information for each repeater required to be shared with potentially affected WCS licensees as part of the notification requirement set forth in §25.263(c)(2).

(ii) The space station(s) with which the terrestrial repeaters will communicate, the frequencies and emission designators of such communications, and the frequencies and emission designators used by the repeaters to retransmit the received signals.

[62 FR 11105, Mar. 11, 1997, as amended at 68 FR 51504, Aug. 27, 2003; 70 FR 32254, June 2, 2005; 75 FR 45067, Aug. 2, 2010; 79 FR 8320, Feb. 12, 2014]

§25.145 Licensing provisions for the FSS in the 18.3–20.2 GHz and 28.35–30.0 GHz bands.

(a) [Reserved]

(b) *System License.* Applicants authorized to construct and launch a system of technically identical non-geostationary satellite orbit satellites will be awarded a single “blanket” license

covering a specified number of space stations to operate in a specified number of orbital planes.

(c) In addition to providing the information specified in §25.114, each non-geostationary satellite orbit applicant shall demonstrate the following:

(1) That the proposed system is capable of providing Fixed-Satellite Service to all locations as far north as 70° North Latitude and as far south as 55° South Latitude for at least 75% of every 24-hour period; and

(2) That the proposed system is capable of providing Fixed-Satellite Service on a continuous basis throughout the fifty states, Puerto Rico and the U.S. Virgin Islands.

(3) [Reserved]

(d) [Reserved]

(e) *Prohibition of certain agreements.* No license shall be granted to any applicant for a space station in the FSS operating in portions of the 18.3–20.2 GHz and 28.35–30.0 GHz bands if that applicant, or any persons or companies controlling or controlled by the applicant, shall acquire or enjoy any right, for the purpose of handling traffic to or from the United States, its territories or possessions, to construct or operate space segment or earth stations, or to interchange traffic, which is denied to any other United States company by reason of any concession, contract, understanding, or working arrangement to which the Licensee or any persons or companies controlling or controlled by the Licensee are parties.

[62 FR 61456, Nov. 18, 1997, as amended at 65 FR 54171, Sept. 7, 2000; 66 FR 63515, Dec. 7, 2001; 67 FR 39310, June 7, 2002; 68 FR 16966, Apr. 8, 2003; 68 FR 51505, Aug. 27, 2003; 68 FR 59129, Oct. 14, 2003; 70 FR 59277, Oct. 12, 2005; 78 FR 8423, Feb. 6, 2013; 79 FR 8320, Feb. 12, 2014; 81 FR 55333, Aug. 18, 2016]

§25.146 Licensing and operating rules for the NGSO FSS in the 10.7–14.5 GHz bands.

(a) A comprehensive technical showing shall be submitted for the proposed non-geostationary satellite orbit Fixed-Satellite Service (NGSO FSS) system in the 10.7–14.5 GHz bands. The technical information shall demonstrate that the proposed NGSO FSS system would not exceed the validation equivalent power flux-density (EPFD) limits as specified in §25.208 (g), (k),

and (1) for $EPFD_{down}$, and $EPFD_{up}$. If the technical demonstration exceeds the validation $EPFD$ limits at any test points within the U.S. for domestic service and at any points outside of the U.S. for international service or at any points in the geostationary satellite orbit, as appropriate, the application would be unacceptable for filing and will be returned to the applicant with a brief statement identifying the non-compliance technical demonstration. The technical showing consists of the following:

(1) *Single-entry validation equivalent power flux-density, in the space-to-Earth direction, ($EPFD_{down}$) limits.* (i) Provide a set of power flux-density (PFD) masks, on the surface of the Earth, for each space station in the NGSO FSS system. The PFD masks shall be generated in accordance with the specification stipulated in the most recent version of ITU-R S.1503-2 (incorporated by reference, see §25.108). In particular, the PFD masks must encompass the power flux-density radiated by the space station regardless of the satellite transmitter power resource allocation and traffic/beam switching strategy that are used at different periods of a NGSO FSS system's life. The PFD masks shall also be in an electronic form that can be accessed by the computer program specified in paragraph (a)(1)(iii) of this section.

(ii) Identify and describe in detail the assumptions and conditions used in generating the power flux-density masks.

(iii) If a computer program that has been approved by the ITU for determining compliance with the single-entry $EPFD_{down}$ validation limits is not yet available, the applicant shall provide a computer program for the single-entry $EPFD_{down}$ validation computation, including both the source code and the executable file. This computer program shall be developed in accordance with the specification stipulated in the most recent version of Recommendation ITU-R S.1503. If the applicant uses the ITU approved software, the applicant shall indicate the program name and the version used.

(iv) Identify and describe in detail the necessary input parameters for the execution of the computer program

identified in paragraph (a)(1)(iii) of this section.

(v) Provide the result, the cumulative probability distribution function of $EPFD$, of the execution of the computer program described in paragraph (a)(1)(iii) of this section by using only the input parameters contained in paragraphs (a)(1)(i) and (a)(1)(iv) of this section.

(2) *Single-entry additional operational equivalent power flux-density, in the Earth-to-space direction, (additional operational $EPFD_{up}$) limits.* (i) Provide a set of NGSO FSS earth station maximum equivalent isotropically radiated power (EIRP) masks as a function of the off-axis angle generated by an NGSO FSS earth station. The maximum EIRP mask shall be generated in accordance with the specification stipulated in the most recent version of ITU-R Recommendation S.1503. In particular, the results of calculations encompass what would be radiated regardless of the earth station transmitter power resource allocation and traffic/beam switching strategy are used at different periods of an NGSO FSS system's life. The EIRP masks shall be in an electronic form that can be accessed by the computer program specified in paragraph (a)(2)(iii) of this section.

(ii) Identify and describe in detail the assumptions and conditions used in generating the maximum earth station e.i.r.p. mask.

(iii) If a computer program that has been approved by the ITU for determining compliance with the single-entry $EPFD_{up}$ validation limits is not yet available, the applicant shall provide a computer program for the single-entry $EPFD_{up}$ validation computation, including both the source code and the executable file. This computer program shall be developed in accordance with the specification stipulated in the most recent version of Recommendation ITU-R S.1503. If the applicant uses the ITU approved software, the applicant shall indicate the program name and the version used.

(iv) Identify and describe in detail the necessary input parameters for the execution of the computer program identified in paragraph (a)(2)(iii) of this section.

(v) Provide the result of the execution of the computer program described in paragraph (a)(2)(iii) of this section by using only the input parameters contained in paragraphs (a)(2)(i) and (a)(2)(iv) of this section.

(b) Ninety days prior to the initiation of service to the public, the NGSO FSS system licensee shall submit a comprehensive technical showing for the non-geostationary satellite orbit Fixed-Satellite Service (NGSO FSS) system in the 10.7–14.5 GHz bands. The technical information shall demonstrate that the NGSO FSS system is expected not to operate in excess of the additional operational EPFD_{down} limits and the operational EPFD_{down} limits as specified in § 25.208(i) and (j), and notes 2 and 3 to Table 1L in § 25.208(l). If the technical demonstration exceeds the additional operational EPFD_{down} limits or the operational EPFD_{down} limits at any test points within the United States for domestic service and at any test points outside of the United States for international service, the NGSO FSS system licensee shall not initiate service to the public until the deficiency has been rectified by reducing satellite transmission power or other adjustments. This must be substantiated by subsequent technical showings. The technical showings consist of the following:

(1) *Single-entry additional operational equivalent power flux-density, in the space-to-Earth direction, (additional operational EPFD_{down}) limits.* (i) Provide a set of anticipated operational power flux density (PFD) masks, on the surface of the Earth, for each space station in the NGSO FSS system. The anticipated operational PFD masks could be generated by using the method specified in the most recent version of ITU-R Recommendation S.1503. In particular, the anticipated operational PFD mask shall take into account the expected maximum traffic loading distributions and geographic specific scheduling of the actual measured space station antenna patterns (see § 25.210(k)). The anticipated operational PFD masks shall also be in an electronic form that can be accessed by the computer program contained in paragraph (b)(1)(iii) of this section.

(ii) Identify and describe in detail the assumptions and conditions used in generating the anticipated operational power flux-density masks.

(iii) Provide a computer program for the single-entry additional operational EPFD_{down} verification computation, including both the source code and the executable file. This computer program could be developed by using the method specified in the most recent version of ITU-R Recommendation S.1503.

(iv) Identify and describe in detail the necessary input parameters for the execution of the additional operational EPFD_{down} verification computer program identified in paragraph (b)(1)(iii) of this section.

(v) Provide the result, the cumulative probability distribution function of EPFD, of the execution of the verification computer program described in paragraph (b)(1)(iii) of this section by using only the input parameters contained in paragraphs (b)(1)(i) and (iv) of this section for each of the submitted test points provided by the Commission. These test points are based on information from U.S.-licensed geostationary satellite orbit Fixed-Satellite Service and Broadcasting-Satellite Service operators in the 10.7–14.5 GHz bands. Each U.S.-licensed geostationary satellite orbit Fixed-Satellite Service and Broadcasting-Satellite Service operator in the 10.7–14.5 GHz bands may submit up to 10 test points for this section containing the latitude, longitude, altitude, azimuth, elevation angle, antenna size, efficiency to be used by non-geostationary satellite orbit Fixed-Satellite Service licensees in the 10.7–14.5 GHz bands during the upcoming year.

(2) Operational equivalent power flux-density, space-to-Earth direction, (operational EPFD_{down}) limits. Using the information contained in (b)(1) of this section plus the measured space station antenna patterns, provide the result of the execution of the computer simulation for the anticipated in-line operational EPFD_{down} levels for each of the submitted test points provided by the Commission. Submitted test points are based on inputs from U.S.-licensed geostationary satellite orbit Fixed-Satellite Service and Broadcasting-

Satellite Service operators in the 10.7–14.5 GHz bands. Each U.S.-licensed geostationary satellite orbit Fixed-Satellite Service and Broadcasting-Satellite Service operator in the 10.7–14.5 GHz bands may submit up to 10 test points for this section containing the latitude, longitude, altitude, azimuth, elevation angle, antenna size, efficiency to be used by non-geostationary satellite orbit Fixed-Satellite Service licensees in the 10.7–14.5 GHz bands during the upcoming year.

(c) [Reserved]

(d) The Commission may request at any time additional information from the NGSO FSS system applicant or licensee concerning the EPFD levels and the related technical showings.

(e) An NGSO FSS system licensee operating a system in compliance with the limits specified in § 25.208(g), (i), (j), (k), (l), and (m) shall be considered as having fulfilled its obligations under ITU Radio Regulations Article 22.2 with respect to any GSO network. However, such NGSO FSS system shall not claim protection from GSO FSS and BSS networks operating in accordance with part 25 of this chapter and the ITU Radio Regulations.

(f) Coordination will be required between NGSO FSS systems and GSO FSS earth stations in the frequency band 10.7–12.75 GHz when all of the following threshold conditions are met:

(1) Bandwidth overlap; and

(2) The satellite network using the GSO has specific receive earth stations which meet all of the following conditions: earth station antenna maximum isotropic gain greater than or equal to 64 dBi; G/T of 44 dB/K or higher; and emission bandwidth of 250 MHz; and the EPFD_{down} radiated by the satellite system using the NGSO into the GSO specific receive earth station, either within the U.S. for domestic service or any points outside the U.S. for international service, as calculated using the ITU software for examining compliance with EPFD limits set forth in Article 22 of the ITU Radio Regulations exceeds $-174.5 \text{ dB(W/(m}^2/40\text{kHz))}$ for any percentage of time for NGSO systems with all satellites only operating at or below 2500 km altitude, or $-202 \text{ dB(W/(m}^2/40\text{kHz))}$ for any percentage of time for NGSO systems with any sat-

ellites operating above 2500 km altitude.

(3) If there is no ITU software for examining compliance with EPFD limits set forth in Article 22 of the ITU Radio Regulations, then the EPFD_{down} coordination trigger is suspended and the requirement for coordination will be based on bandwidth overlap and the satellite network using the GSO has specific receive earth stations which meet all of the following conditions: earth station antenna maximum isotropic gain greater than or equal to 64 dBi; G/T of 44 dB/K or higher; and emission bandwidth of 250 MHz.

(g) *Operational power flux density, space-to-Earth direction, limits.* Ninety days prior to the initiation of service to the public, the NGSO FSS system licensee shall submit a technical showing for the NGSO FSS system in the band 12.2–12.7 GHz. The technical information shall demonstrate that the NGSO FSS system is capable of meeting the limits as specified in § 25.208(o). Licensees may not provide service to the public if they fail to demonstrate compliance with the PFD limits.

(h) *System License.* Applicants authorized to construct and launch a system of technically identical non-geostationary satellite orbit Fixed-Satellite Service satellites will be awarded a single “blanket” license covering a specified number of space stations to operate in a specified number of orbital planes.

(i) In addition to providing the information specified in § 25.114, each NGSO FSS applicant shall provide the following:

(1) A demonstration that the proposed system is capable of providing fixed-satellite services on a continuous basis throughout the fifty states, Puerto Rico and the U.S. Virgin Islands, U.S.; and

(2) A demonstration that the proposed system is capable of providing Fixed-Satellite Services to all locations as far north as 70° North Latitude and as far south as 55° South Latitude for at least 75 percent of every 24-hour period; and

(3) Sufficient information on the NGSO FSS system characteristics to properly model the system in computer sharing simulations, including, at a

minimum, NGSO hand-over and satellite switching strategies, NGSO satellite antenna gain patterns, and NGSO earth station antenna gain patterns. In particular, each NGSO FSS applicant must explain the switching protocols it uses to avoid transmitting while passing through the geostationary satellite orbit arc, or provide an explanation as to how the PFD limits in §25.208 are met without using geostationary satellite orbit arc avoidance. In addition, each NGSO FSS applicant must provide the orbital parameters contained in Section A.4 of Annex 2A to Appendix 4 of the ITU Radio Regulations (2008). Further, each NGSO FSS applicant must provide a sufficient technical showing to demonstrate that the proposed non-geostationary satellite orbit system meets the PFD limits contained in §25.208, as applicable, and

(4) [Reserved]

(j)–(l) [Reserved]

[66 FR 10619, Feb. 16, 2001, as amended at 67 FR 53510, Aug. 16, 2002; 68 FR 16447, Apr. 4, 2003; 68 FR 43946, July 25, 2003; 68 FR 51505, Aug. 27, 2003; 69 FR 31302, June 3, 2004; 70 FR 59277, Oct. 12, 2005; 78 FR 8423, Feb. 6, 2013; 79 FR 8320, Feb. 12, 2014; 81 FR 55333, Aug. 18, 2016]

§ 25.147 [Reserved]

§ 25.148 Licensing provisions for the Direct Broadcast Satellite Service.

(a) *License terms.* License terms for DBS facilities are specified in §25.121(a).

(b) *Due diligence.* (1) All persons granted DBS authorizations shall proceed with due diligence in constructing DBS systems. Permittees shall be required to complete contracting for construction of the satellite station(s) within one year of the grant of the authorization. The satellite stations shall also be required to be in operation within six years of the authorization grant.

(2) In addition to the requirements stated in paragraph (b)(1) of this section, all persons who receive new or additional DBS authorizations after January 19, 1996 shall complete construction of the first satellite in their respective DBS systems within four years of grant of the authorization. All satellite stations in such a DBS system

shall be in operation within six years of the grant of the authorization.

(3) DBS licensees shall be required to proceed consistent with all applicable due diligence obligations, unless otherwise determined by the Commission upon proper showing in any particular case. Transfer of control of the authorization shall not be considered to justify extension of these deadlines.

(c) *Geographic service requirements.* Those entities acquiring DBS authorizations after January 19, 1996, or who after January 19, 1996 modify a previous DBS authorization to launch a replacement satellite, must provide DBS service to Alaska and Hawaii where such service is technically feasible from the authorized orbital location. This requirement does not apply to DBS satellites authorized to operate at the 61.5° W.L. orbital location. DBS applicants seeking to operate from locations other than 61.5° W.L. who do not provide service to Alaska and Hawaii, must provide technical analyses to the Commission demonstrating that such service is not feasible as a technical matter, or that while technically feasible such services would require so many compromises in satellite design and operation as to make it economically unreasonable.

(d) *DBS subject to competitive bidding.* Mutually exclusive initial applications to provide DBS are subject to competitive bidding procedures. The general competitive bidding procedures set forth in part 1, subpart Q of this chapter will apply unless otherwise provided in this part.

(e) *DBS long form application.* Winning bidders are subject to the provisions of §1.2107 of this chapter except that in lieu of a FCC Form 601 each winning bidder shall submit the long-form satellite service application (FCC Form 312) within thirty (30) days after being notified by Public Notice that it is the winning bidder. Each winning bidder will also be required to submit by the same deadline the information described in §25.215 (Technical) and §25.601 (EEO), and in paragraph (f) of this section. Each winner also will be required to file, by the same deadline, a signed statement describing its efforts to date and future plans to come into compliance with any applicable

spectrum limitations, if it is not already in compliance. Such information shall be submitted pursuant to the procedures set forth in § 25.114 and any associated Public Notices.

(f) *Technical qualifications.* DBS operations must be in accordance with the sharing criteria and technical characteristics contained in Appendices 30 and 30A of the ITU's Radio Regulations. Operation of systems using differing technical characteristics may be permitted, with adequate technical showing, and if a request has been made to the ITU to modify the appropriate Plans to include the system's technical parameters.

[67 FR 51113, Aug. 7, 2002]

§ 25.149 Application requirements for ancillary terrestrial components in Mobile-Satellite Service networks operating in the 1.5/1.6 GHz and 1.6/2.4 GHz Mobile-Satellite Service.

(a) Applicants for ancillary terrestrial component authority shall demonstrate that the applicant does or will comply with the following through certification or explanatory technical exhibit, as appropriate:

(1) ATC shall be deployed in the forward-band mode of operation whereby the ATC mobile terminals transmit in the MSS uplink bands and the ATC base stations transmit in the MSS downlink bands in portions of the 1626.5–1660.5 MHz/1525–1559 MHz bands (L-band) and the 1610–1626.5 MHz/2483.5–2500 MHz bands.

NOTE TO PARAGRAPH (a)(1): An L-band MSS licensee is permitted to apply for ATC authorization based on a non-forward-band mode of operation provided it is able to demonstrate that the use of a non-forward-band mode of operation would produce no greater potential interference than that produced as a result of implementing the rules of this section.

(2) ATC operations shall be limited to certain frequencies:

(i) [Reserved]

(ii) In the 1626.5–1660.5 MHz/1525–1559 MHz bands (L-band), ATC operations are limited to the frequency assignments authorized and internationally coordinated for the MSS system of the MSS licensee that seeks ATC authority.

(iii) In the 1610–1626.5 MHz/2483.5–2500 MHz bands, ATC operations are limited to the 1610–1617.775 MHz, 1621.35–1626.5 MHz, and 2483.5–2495 MHz bands and to the specific frequencies authorized for use by the MSS licensee that seeks ATC authority.

(3) ATC operations shall not exceed the geographical coverage area of the Mobile-Satellite Service network of the applicant for ATC authority.

(4) ATC base stations shall comply with all applicable antenna and structural clearance requirements established in part 17 of this chapter.

(5) ATC base stations and mobile terminals shall comply with part 1 of this chapter, Subpart I—Procedures Implementing the National Environmental Policy Act of 1969, including the guidelines for human exposure to radio frequency electromagnetic fields as defined in §§ 1.1307(b) and 1.1310 of this chapter for PCS networks.

(6) ATC base station operations shall use less than all available MSS frequencies when using all available frequencies for ATC base station operations would exclude otherwise available signals from MSS space-stations.

(b) Applicants for an ancillary terrestrial component shall demonstrate that the applicant does or will comply with the following criteria through certification:

(1) *Geographic and temporal coverage.*

(i) [Reserved]

(ii) For the L-band, an applicant must demonstrate that it can provide space-segment service covering all 50 states, Puerto Rico, and the U.S. Virgin Islands one-hundred percent of the time, unless it is not technically possible for the MSS operator to meet the coverage criteria from its orbital position.

(iii) For the 1.6/2.4 GHz Mobile-Satellite Service bands, an applicant must demonstrate that it can provide space-segment service to all locations as far north as 70° North latitude and as far south as 55° South latitude for at least seventy-five percent of every 24-hour period, i.e., that at least one satellite will be visible above the horizon at an elevation angle of at least 5° for at least 18 hours each day, and on a continuous basis throughout the fifty states, Puerto Rico and the U.S. Virgin

Islands, i.e., that at least one satellite will be visible above the horizon at an elevation angle of at least 5° at all times.

(2) *Replacement satellites.* (i) Operational NGSO MSS ATC systems shall maintain an in-orbit spare satellite.

(ii) Operational GSO MSS ATC systems shall maintain a spare satellite on the ground within one year of commencing operations and launch it into orbit during the next commercially reasonable launch window following a satellite failure.

(iii) All MSS ATC licensees must report any satellite failures, malfunctions or outages that may require satellite replacement within ten days of their occurrence.

(3) *Commercial availability.* Mobile-satellite service must be commercially available (*viz.*, offering services for a fee) in accordance with the coverage requirements that pertain to each band as a prerequisite to an MSS licensee's offering ATC service.

(4) *Integrated services.* MSS ATC licensees shall offer an integrated service of MSS and MSS ATC. Applicants for MSS ATC may establish an integrated service offering by affirmatively demonstrating that:

(i) The MSS ATC operator will use a dual-mode handset that can communicate with both the MSS network and the MSS ATC component to provide the proposed ATC service; or

(ii) Other evidence establishing that the MSS ATC operator will provide an integrated service offering to the public.

(5) *In-band operation.* (i) [Reserved]

(ii) In the 1.6/2.4 GHz Mobile-Satellite Service bands, MSS ATC is limited to no more than 7.775 MHz of spectrum in the L-band and 11.5 MHz of spectrum in the S-band. Licensees in these bands may implement ATC only on those channels on which MSS is authorized, consistent with the 1.6/2.4 GHz Mobile-Satellite Service band-sharing arrangement.

(iii) In the L-band, MSS ATC is limited to those frequency assignments available for MSS use in accordance with the Mexico City Memorandum of Understanding, its successor agreements or the result of other organized efforts of international coordination.

(c) *Equipment certification.* (1) Each ATC mobile station utilized for operation under this part and each transmitter marketed, as set forth in §2.803 of this chapter, must be of a type that has been authorized by the Commission under its certification procedure for use under this part.

(2) Any manufacturer of radio transmitting equipment to be used in these services may request equipment authorization following the procedures set forth in subpart J of part 2 of this chapter. Equipment authorization for an individual transmitter may be requested by an applicant for a station authorization by following the procedures set forth in part 2 of this chapter.

(3) Licensees and manufacturers are subject to the radiofrequency radiation exposure requirements specified in §§1.1307(b), 2.1091, and 2.1093 of this chapter, as appropriate. MSS ATC base stations must comply with the requirements specified in §1.1307(b) of this chapter for PCS base stations. MSS ATC mobile stations must comply with the requirements specified for mobile and portable PCS transmitting devices in §1.1307(b) of this chapter. MSS ATC mobile terminals must also comply with the requirements in §§2.1091 and 2.1093 of this chapter for Satellite Communications Services devices. Applications for equipment authorization of mobile or portable devices operating under this section must contain a statement confirming compliance with these requirements for both fundamental emissions and unwanted emissions. Technical information showing the basis for this statement must be submitted to the Commission upon request.

(d) Applicants for an ancillary terrestrial component authority shall demonstrate that the applicant does or will comply with the provisions of §1.924 of this chapter and §§25.203(e) through 25.203(g) and with §25.253 or §25.254, as appropriate, through certification or explanatory technical exhibit.

(e) Except as provided for in paragraph (f) of this section, no application for an ancillary terrestrial component shall be granted until the applicant has demonstrated actual compliance with the provisions of paragraph (b) of this

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section. Upon receipt of ATC authority, all ATC licensees must ensure continued compliance with this section and § 25.253 or § 25.254, as appropriate.

(f) Special provision for operational MSS systems. Applicants for MSS ATC authority with operational MSS systems that are in actual compliance with the requirements prescribed in paragraphs (b)(1), (b)(2), and (b)(3) of this section at the time of application may elect to satisfy the requirements of paragraphs (b)(4) and (b)(5) of this section prospectively by providing a substantial showing in its certification regarding how the applicant will comply with the requirements of paragraphs (b)(4) and (b)(5) of this section. Notwithstanding § 25.117(f) and paragraph (e) of this section, the Commission may grant an application for ATC authority based on such a prospective substantial showing if the Commission finds that operations consistent with the substantial showing will result in actual compliance with the requirements prescribed in paragraphs (b)(4) and (b)(5) of this section. An MSS ATC applicant that receives a grant of ATC authority pursuant to this paragraph (f) shall notify the Commission within 30 days once it begins providing ATC service. This notification must take the form of a letter formally filed with the Commission in the appropriate MSS license docket and shall contain a certification that the MSS ATC service is consistent with its ATC authority.

(g) *Spectrum leasing*. Leasing of spectrum rights by MSS licensees or system operators to spectrum lessees for ATC use is subject to the rules for spectrum manager leasing arrangements (see § 1.9020) as set forth in part 1, subpart X of the rules (see § 1.9001 *et seq.*). In addition, at the time of the filing of the requisite notification of a spectrum manager leasing arrangement using Form 608 (see §§ 1.9020(e) and 1.913(a)(5)), both parties to the proposed arrangement must have a complete and accurate Form 602 (see § 1.913(a)(2)) on file with the Commission.

[68 FR 47859, Aug. 12, 2003, as amended at 69 FR 48162, Aug. 9, 2004; 70 FR 19318, Apr. 13, 2005, 73 FR 25592, May 7, 2008; 76 FR 31260, May 31, 2011; 78 FR 8267, Feb. 5, 2013; 78 FR 8424, Feb. 6, 2013; 79 FR 27502, May 14, 2014]

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PROCESSING OF APPLICATIONS

§ 25.150 Receipt of applications.

Applications received by the Commission are given a file number and a unique station identifier for administrative convenience. Neither the assignment of a file number and/or other identifier nor the listing of the application on public notice as received for filing indicates that the application has been found acceptable for filing or precludes subsequent return or dismissal of the application if it is found to be defective or not in accordance with the Commission's rules.

[78 FR 8425, Feb. 6, 2013]

§ 25.151 Public notice.

(a) At regular intervals, the Commission will issue public notices listing:

(1) The receipt of applications for new station authorizations, except applications for space station licenses filed pursuant to § 25.110(b)(3)(i) or (ii) of this part;

(2) The receipt of applications for license or registration of receive-only earth stations;

(3) The receipt of applications for major modifications to station authorizations;

(4) The receipt of major amendments to pending applications;

(5) The receipt of applications to assign or transfer control of space station facilities, transmitting earth station facilities, or international receive-only earth station facilities;

(6) Significant Commission actions regarding applications;

(7) Information that the Commission in its discretion believes to be of public significance;

(8) Special environmental considerations as required by part 1 of this chapter;

(9) Submission of Coordination Requests and Appendix 30B filings to the ITU in response to requests filed pursuant to § 25.110(b)(3)(i) and (b)(3)(ii);

(10) The receipt of space station application information filed pursuant to § 25.110(b)(3)(iii); and

(11) The receipt of notifications of non-routine transmission filed pursuant to § 25.140(d).

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(b) Special public notices may also be issued at other times under special circumstances involving non-routine matters where speed is of the essence and efficiency of Commission process will be served thereby.

(c) A public notice will not normally be issued for receipt of any of the following applications:

(1) For authorization of a minor technical change in the facilities of an authorized station;

(2) For temporary authorization pursuant to § 25.120.

(3) For an authorization under any of the proviso clauses of section 308(a) of the Communications Act of 1934, as amended [47 U.S.C. 308(a)];

(4) For consent to an involuntary assignment or transfer of control of a transmitting earth station authorization; or

(5) For consent to an assignment or transfer of control of a space station authorization or a transmitting earth station authorization, where the assignment or transfer does not involve a substantial change in ownership or control; or

(6) For change in location of an earth station operating in the 4/6 GHz and 10.95–11.7 GHz bands by no more than 1" in latitude and/or longitude and for change in location of an earth station operating in the 12/14 GHz bands by no more than 10" in latitude and/or longitude.

(d) Except as specified in paragraph (e) of this section, no application that has appeared on public notice will be granted until the expiration of a period of thirty days following the issuance of the public notice listing the application, or any major amendment thereto. Any comments or petitions must be delivered to the Commission by that date in accordance with § 25.154.

(e)(1) Applicants seeking authority to operate a temporary fixed earth station pursuant to § 25.277 may consider their applications "provisionally granted," and may initiate operations upon the placement of the complete FCC Form 312 application on public notice, provided that

(i) The temporary fixed earth station will operate only in the conventional Ku-band (14.0–14.5 GHz and 11.7–12.2 GHz bands);

(ii) The temporary fixed earth station's operations will be consistent with all routine-licensing requirements for the conventional Ku-band; and

(iii) The temporary fixed earth station's operations will be limited to satellites on the Permitted Space Station List.

(2) Applications for authority granted pursuant to paragraph (e)(1) of this section shall be placed on public notice pursuant to paragraph (a)(1) of this section. If no comments or petitions are filed within 30 days of the public notice date, the authority granted will be considered a regular temporary fixed earth station authorization as of 30 days after the public notice date. If a comment or petition is filed within 30 days of the public notice date, the applicant must suspend operations immediately pending resolution of the issues raised in that comment or petition.

[56 FR 24016, May 28, 1991, as amended at 58 FR 68061, Dec. 23, 1993; 70 FR 32254, June 2, 2005; 81 FR 55333, Aug. 18, 2016]

§ 25.152 [Reserved]

§ 25.153 Repetitious applications.

(a) Where an application has been denied or dismissed with prejudice, the Commission will not consider a like application involving service of the same kind to the same area by the same applicant, or by its successor or assignee, or on behalf of or for the benefit of any of the original parties in interest, until after the lapse of 12 months from the effective date of the Commission's action.

(b) Where an appeal has been taken from the action of the Commission denying a particular application, another application for the same class of station and for the same area, in whole or in part, filed by the same applicant or by his successor or assignee, or on behalf of or for the benefit of the original parties in interest, will not be considered until the final disposition of the appeal.

[56 FR 24016, May 28, 1991, as amended at 79 FR 8320, Feb. 12, 2014]

§ 25.154 Opposition to applications and other pleadings.

(a) Petitions to deny, petitions for other forms of relief, and other objections or comments must:

(1) Identify the application or applications (including applicant's name, station location, Commission file numbers, and radio service involved) with which it is concerned;

(2) Be filed within thirty (30) days after the date of public notice announcing the acceptance for filing of the application or major amendment thereto (unless the Commission otherwise extends the filing deadline);

(3) Filed in accordance with the pleading limitations, periods and other applicable provisions of §§1.41 through 1.52 of this chapter, except that such petitions must be filed electronically through the International Bureau Filing System (IBFS) in accordance with the applicable provisions of part 1, subpart Y of this chapter;

(4) Contain specific allegations of fact (except for those of which official notice may be taken) to support the specific relief requested, which shall be supported by affidavit of a person or persons with personal knowledge thereof, and which shall be sufficient to demonstrate that the petitioner (or respondent) is a party of interest and that a grant of, or other Commission action regarding, the application would be prima facie inconsistent with the public interest; and

(5) Contain a certificate of service showing that it has been mailed to the applicant no later than the date the pleading is filed with the Commission.

(b) The Commission will classify as informal objections:

(1) Any pleading not filed in accordance with paragraph (a) of this section;

(2) Any pleading to which the thirty (30) day public notice period of §25.151 does not apply; or

(3) Any objections to the grant of an application when the objections do not conform to either paragraph (a) of this section or to other Commission rules and requirements.

(c) Except for opposition to petitions to deny an application filed pursuant to §25.220, oppositions to petitions to deny an application or responses to comments and informal objections re-

garding an application may be filed within 10 days after the petition, comment, or objection is filed and must be in accordance with other applicable provisions of §§1.41 through 1.52 of this chapter, except that such oppositions must be filed electronically through the International Bureau Filing System (IBFS) in accordance with the applicable provisions of part 1, subpart Y of this chapter.

(d) Reply comments by a party that filed a petition to deny may be filed in response to pleadings filed pursuant to paragraph (c) or (e) of this section within 5 days after expiration of the time for filing oppositions unless the Commission extends the filing deadline and must be in accordance with other applicable provisions of §§1.41 through 1.52 of this chapter, except that such reply comments must be filed electronically through the International Bureau Filing System (IBFS) in accordance with the applicable provisions of part 1, subpart Y of this chapter.

(e) Within 30 days after a petition to deny an application filed pursuant to §25.220 is filed, the applicant may file an opposition to the petition and must file a statement with the Commission, either in conjunction with, or in lieu of, such opposition, explaining whether the applicant has resolved all outstanding issues raised by the petitioner. This statement and any conjoined opposition must be in accordance with the provisions of §§1.41 through 1.52 of this chapter applicable to oppositions to petitions to deny, except that such reply comments must be filed electronically through the International Bureau Filing System (IBFS) in accordance with the applicable provisions of part 1, subpart Y of this chapter.

[56 FR 24016, May 28, 1991, as amended at 69 FR 47795, Aug. 6, 2004; 70 FR 32254, June 2, 2005; 79 FR 8320, Feb. 12, 2014]

§ 25.155 Mutually exclusive applications.

(a) The Commission will consider applications to be mutually exclusive if their conflicts are such that the grant of one application would effectively preclude by reason of harmful interference, or other practical reason, the

grant of one or more other applications.

(b) A license application for NGSO-like satellite operation, as defined in § 25.157(a), will be entitled to comparative consideration with one or more mutually exclusive applications only if the application is received by the Commission in a condition acceptable for filing by the “cut-off” date specified in a public notice.

(c) A license application for GSO-like satellite operation, as defined in § 25.158(a)(1), will be entitled to comparative consideration with another application only if:

(1) The application is mutually exclusive with another application for GSO-like operation; and

(2) The application is received by the Commission in a condition acceptable for filing at the same millisecond as the other application.

[68 FR 51505, Aug. 27, 2003, as amended at 81 FR 55333, Aug. 18, 2016]

§ 25.156 Consideration of applications.

(a) Applications for a radio station authorization, or for modification or renewal of an authorization, will be granted if, upon examination of the application, any pleadings or objections filed, and upon consideration of such other matters as it may officially notice, the Commission finds that the applicant is legally, technically, and otherwise qualified, that the proposed facilities and operations comply with all applicable rules, regulations, and policies, and that grant of the application will serve the public interest, convenience and necessity.

(b) [Reserved]

(c) Reconsideration or review of any final action taken by the Commission will be in accordance with subpart A of part 1 of this chapter.

(d)(1) Applications for NGSO-like satellite operation will be considered pursuant to the procedures set forth in § 25.157, except as provided in § 25.157(b).

(2) Applications for GSO-like satellite operation will be considered pursuant to the procedures set forth in § 25.158, except as provided in § 25.158(a)(2).

(3) Applications for both NGSO-like satellite operation and GSO-like satellite operation in two or more service

bands will be treated as separate applications for each service band, and each service band request will be considered pursuant to § 25.157 or § 25.158, as appropriate.

(4) Applications for feeder-link authority or inter-satellite link authority will be treated like an application separate from its associated service band. Each feeder-link request or inter-satellite link request will be considered pursuant to the procedure for applications for GSO-like operation or NGSO-like operation, as applicable.

(5) In cases where the Commission has not adopted frequency-band specific service rules, the Commission will not consider applications for NGSO-like satellite operation after it has granted an application for GSO-like operation in the same frequency band, and it will not consider applications for GSO-like operation after it has granted an application for NGSO-like operation in the same band, unless and until the Commission establishes NGSO/GSO sharing criteria for that frequency band. In the event that the Commission receives applications for NGSO-like operation and applications for GSO-like operation at the same time, and the Commission has not adopted sharing criteria in that band, the Commission will divide the spectrum between GSO-like and NGSO-like licensees based on the proportion of qualified GSO-like and NGSO-like applicants.

(6) An application for DBS or DARS services will be entitled to comparative consideration with one or more conflicting applications only if:

(i) The application is mutually exclusive with another application; and

(ii) The application is received by the Commission in a condition acceptable for filing by the “cut-off” date specified in a public notice.

[56 FR 24016, May 28, 1991, as amended at 68 FR 51505, Aug. 27, 2003; 81 FR 55333, Aug. 18, 2016]

§ 25.157 Consideration of applications for NGSO-like satellite operation.

(a) This section specifies the procedures for considering license applications for “NGSO-like” satellite operation, except as provided in paragraph (b) of this section. For purposes of this

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section, the term “NGSO-like satellite operation” means:

(1) Operation of any NGSO satellite system, and

(2) Operation of a GSO MSS satellite to communicate with earth stations with non-directional antennas.

(b) The procedures prescribed in this section do not apply to an application for authority to launch and operate a replacement space station, or stations, that meet the relevant criteria in § 25.165(e)(1) and (e)(2) and that will be launched before the space station(s) to be replaced are, or is, retired from service or within a reasonable time after loss of a space station during launch or due to premature failure in orbit.

(c) Each application for NGSO-like satellite operation that is acceptable for filing under § 25.112, except replacement applications described in paragraph (b) of this section, will be reviewed to determine whether it is a “competing application,” *i.e.*, filed in response to a public notice initiating a processing round, or a “lead application,” *i.e.*, all other applications for NGSO-like satellite operation.

(1) Competing applications that are acceptable for filing will be placed on public notice to provide interested parties an opportunity to file pleadings in response to the application pursuant to § 25.154.

(2) Lead applications that are acceptable for filing will be placed on public notice. This public notice will initiate a processing round, establish a cut-off date for competing NGSO-like satellite system applications, and provide interested parties an opportunity to file pleadings in response to the application pursuant to § 25.154.

(d) After review of each of the applications in the processing round, and all the pleadings filed in response to each application, the Commission will grant all the applications that meet the standards of § 25.156(a), and deny the other applications.

(e)(1) In the event that there is insufficient spectrum in the frequency band available to accommodate all the qualified applicants in a processing round, the available spectrum will be divided equally among the licensees whose applications are granted pursuant to paragraph (d) of this section, ex-

cept as set forth in paragraph (e)(2) or (e)(3) of this section.

(2) In cases where there are only one or two applications in a processing round granted pursuant to paragraph (d) of this section, each applicant will be assigned $\frac{1}{3}$ of the available spectrum, and the remaining spectrum will be made available to other licensees in an additional processing round pursuant to paragraph (c) of this section.

(3) In cases where there are three or more applications in a processing round granted pursuant to paragraph (d) of this section, and one or more applicants apply for less spectrum than they would be warranted under paragraph (e)(1) of this section, those applicants will be assigned the bandwidth amount they requested in their applications. In those cases, the remaining qualified applicants will be assigned the lesser of the amount of spectrum they requested in their applications and the amount spectrum that they would be assigned if the available spectrum were divided equally among the remaining qualified applicants.

(f)(1) Each licensee will be allowed to select the particular band segment it wishes to use no earlier than 60 days before they plan to launch the first satellite in its system, and no later than 30 days before that date, by submitting a letter to the Secretary of the Commission. The licensee shall serve copies of this letter to the other participants in the processing round pursuant to § 1.47 of this chapter.

(2) The licensee shall request contiguous bandwidth in both the uplink and downlink band. Each licensee’s bandwidth selection in both the uplink and downlink band shall not preclude other licensees from selecting contiguous bandwidth.

(3) If two or more licensees in a processing round request the same band segment, all licensees other than the first one to request that particular band segment will be required to make another selection.

(g)(1) In the event that a license granted in a processing round pursuant to this section is cancelled for any reason, the Commission will redistribute the bandwidth allocated to that applicant equally among the remaining applicants whose licenses were granted

concurrently with the cancelled license, unless the Commission determines that such a redistribution would not result in a sufficient number of licensees remaining to make reasonably efficient use of the frequency band.

(2) In the event that the redistribution of bandwidth set forth in paragraph (g)(1) of this section would not result in a sufficient number of licensees remaining to make reasonably efficient use of the frequency band, the Commission will issue a public notice initiating a processing round, as set forth in paragraph (c) of this section, to invite parties to apply for an NGSO-like satellite system license to operate in a portion of the bandwidth made available as a result of the cancellation of the initial applicant's license. Parties already holding licenses for NGSO-like satellite operation in that frequency band will not be permitted to participate in that processing round.

(3) There is a presumption that three satellite licensees in a frequency band are sufficient to make reasonably efficient use of the frequency band.

(h) Services offered pursuant to an NGSO-like license in a frequency band granted before the Commission has adopted frequency-band-specific service rules for that band will be subject to the default service rules in § 25.217.

[68 FR 51505, Aug. 27, 2003, as amended at 81 FR 55334, Aug. 18, 2016]

§ 25.158 Consideration of applications for GSO-like satellite operation.

(a)(1) This section specifies the procedures for considering license applications for "GSO-like" satellite operation, except as provided in paragraph (a)(2) of this section. For purposes of this section, the term "GSO-like satellite operation" means operation of a GSO satellite to communicate with earth stations with directional antennas, including operation of GSO satellites to provide MSS feeder links.

(2) The procedures prescribed in this section do not apply to an application for authority to launch and operate a replacement space station that meets the relevant criteria in § 25.165(e)(1) and (e)(2) and that will be launched before the space station to be replaced is retired from service or within a reasonable time after loss of a space station

during launch or due to premature failure in orbit.

(b) Except as provided in paragraph (a)(2) of this section, license applications for GSO-like satellite operation, including first-step filings pursuant to § 25.110(b)(3)(i) or (ii), will be placed in a queue and considered in the order that they are filed, pursuant to the following procedure:

(1) The application will be reviewed to determine whether it is acceptable for filing within the meaning of § 25.112. If not, the application will be returned to the applicant.

(2) If the application is acceptable for filing under § 25.112, the application will be placed on public notice pursuant to § 25.151.

(i) For applications filed pursuant to § 25.110(b)(3)(i) or (b)(3)(ii), the public notice will announce that the Coordination Request or Appendix 30B filing has been submitted to the ITU. When further information is filed pursuant to § 25.110(b)(3)(iii), it will be reviewed to determine whether it is substantially complete within the meaning of § 25.112. If so, a second public notice will be issued pursuant to § 25.151 to give interested parties an opportunity to file pleadings pursuant to § 25.154.

(ii) For any other license application for GSO-like satellite operation, the public notice will announce that the application has been found acceptable for filing and will give interested parties an opportunity to file pleadings pursuant to § 25.154.

(3) The application will be granted only if it meets each of the following criteria:

(i) After review of the application and any pleadings filed in response to that application, the Commission finds that the application meets the standards of § 25.156(a); and

(ii) The proposed satellite will not cause harmful interference to any previously licensed operations.

(c) A license applicant for GSO-like satellite operation must not transfer, assign, or otherwise permit any other entity to assume its place in any queue.

(d) In the event that two or more applications for GSO-like satellite operation are mutually exclusive within

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the meaning of § 25.155(c), the Commission will consider those applications pursuant to the following procedure:

(1) Each application will be reviewed to determine whether it is acceptable for filing within the meaning of § 25.112. Any application not found acceptable for filing will be returned to the applicant.

(2) All applications that are acceptable for filing will be placed on public notice pursuant to § 25.151, and interested parties will be given an opportunity to file pleadings pursuant to § 25.154.

(3) Each application will be granted if it meets the criteria of paragraph (b)(3) of this section, and otherwise will be denied.

(4) In the event that two or more applications are granted pursuant to paragraph (d)(3) of this section, the available bandwidth at the orbital location or locations in question will be divided equally among those licensees.

(5) Licensees whose licenses are granted pursuant to paragraph (d)(4) of this section will be allowed to select the particular band segment it wishes to use no earlier than 60 days before they plan to launch the first satellite in its system, and no later than 30 days before that date, by submitting a letter to the Secretary of the Commission. The licensee shall serve copies of this letter to the other participants in the processing round pursuant to § 1.47 of this chapter.

(6) Licensees whose licenses are granted pursuant to paragraph (d)(4) of this section shall request contiguous bandwidth in both the uplink and downlink band. Each licensee's bandwidth selection shall not preclude other licensees from selecting contiguous bandwidth.

(7) If two or more licensees whose licenses are granted pursuant to paragraph (d)(4) of this section request the same band segment, all licensees other than the first one to request that particular band segment will be required to make another selection.

(e) Services offered pursuant to a GSO-like license in a frequency band granted before the Commission has adopted frequency-band-specific service

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rules for that band will be subject to the default service rules in § 25.217.

[68 FR 51506, Aug. 27, 2003, as amended at 81 FR 55334, Aug. 18, 2016]

§ 25.159 Limits on pending applications and unbuilt satellite systems.

(a) [Reserved]

(b) Applicants with an application for one NGSO-like satellite system license on file with the Commission in a particular frequency band, or one licensed-but-unbuilt NGSO-like satellite system in a particular frequency band, will not be permitted to apply for another NGSO-like satellite system license in that frequency band.

(c) If an applicant has an attributable interest in one or more other entities seeking one or more space station licenses, the pending applications and licensed-but-unbuilt satellite systems filed by those other entities will be counted as filed by the applicant for purposes of the limits on the number of pending space station applications and licensed-but-unbuilt satellite systems in this paragraph. For purposes of this paragraph, an applicant has an "attributable interest" in another entity if:

(1) It holds equity (including all stockholdings, whether voting or non-voting, common or preferred) and debt interest or interests, in the aggregate, exceed thirty-three (33) percent of the total asset value (defined as the aggregate of all equity plus all debt) of that entity, or

(2) It holds a controlling interest in that entity, or is the subsidiary of a party holding a controlling interest in that entity, within the meaning of 47 CFR 1.2110(b)(2).

(3) For purposes of paragraphs (c)(1) and (c)(2) of this section, ownership interests shall be calculated on a fully diluted basis, *i.e.*, all agreements, such as warrants, stock options, and convertible debentures, will generally be treated as if the rights thereunder already have been fully exercised.

(d) In the event that a licensee misses three or more milestones within any three-year period, the Commission will presume that the licensee obtained one or more of those licenses for speculative purposes. Unless the licensee rebuts this presumption, it will not be

permitted to apply for a GSO-like satellite or an NGSO-like satellite system in any frequency band if it has two or more satellite applications pending, or two licensed-but-unbuilt satellite systems of any kind. This limit will remain in effect until the licensee provides adequate information to demonstrate that it is very likely to construct its licensed facilities if it were allowed to file more applications.

(e) For purposes of this section, “frequency band” means one of the paired frequency bands available for satellite service listed in § 25.202.

[68 FR 51506, Aug. 27, 2003, as amended at 81 FR 55334, Aug. 18, 2016]

FORFEITURE, TERMINATION, AND REINSTATEMENT OF STATION AUTHORIZATION

§ 25.160 Administrative sanctions.

(a) A forfeiture may be imposed for failure to operate in conformance with the Communications Act, license specifications, any conditions imposed on an authorization, or any of the Commission’s rules and regulations; or for failure to comply with Commission requests for information needed to complete international coordination or for failure to cooperate in Commission investigations with respect to international coordination.

(b) A forfeiture will be imposed and the station license may be terminated for the malicious transmissions of any signal that causes harmful interference with any other radio communications or signals.

(c) A station license may be revoked for any repeated and willful violation of the kind set forth in paragraphs (a) and (b) of this section.

(d) The sanctions specified in paragraphs (a), (b), and (c) of this section will be imposed only after the licensee has been provided an opportunity to be heard pursuant to titles III and V of the Communications Act of 1934, as amended.

(e) For purposes of this section, the term “repeated” and “willful” are defined as set out in section 312(f) of the Communications Act, 47 U.S.C. 312(f).

§ 25.161 Automatic termination of station authorization.

A station authorization shall be automatically terminated in whole or in part without further notice to the licensee upon:

(a)(1) Failure to meet any applicable milestone for implementation of the licensed satellite system specified in § 25.164(a) and/or (b), without demonstrating that the failure was caused by circumstances beyond the licensee’s control, or

(2) If there are no applicable milestones for implementation of the licensed satellite system specified in § 25.164(a) and/or (b), the expiration of the required date of completion of construction or other required action specified in the authorization, or after any additional time authorized by the Commission, if a certification of completion of the required action has not been filed with the Commission unless a request for an extension of time has been filed with the Commission but has not been acted on.

(b) The expiration of the license term, unless, in the case of an earth station license, an application for renewal of the license has been filed with the Commission pursuant to § 25.121(e) or, in the case of a space station license, an application for extension of the license term has been filed with the Commission; or

(c) The removal or modification of the facilities which renders the station not operational for more than 90 days, unless specific authority is requested.

[56 FR 24016, May 28, 1991, as amended at 68 FR 51507, Aug. 27, 2003; 78 FR 8425, Feb. 6, 2013; 79 FR 8320, Feb. 12, 2014]

§ 25.162 Cause for termination of interference protection.

The protection from interference afforded by the registration of a receiving earth station shall be automatically terminated if:

(a) The request for registration is not submitted to the Commission within 3 months of the completion of the frequency coordination process, except as provided for in § 25.203;

(b) The receiving earth station is not constructed and placed into service within 6 months after completion of coordination;

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(c) The Commission finds that the station has been used less than 50% of the time during any 12 month period;

(d) The Commission finds that the station has been used for an unlawful purpose or otherwise in violation of the Commission's rules, regulations or policies;

(e) The Commission finds that the actual use of the facility is inconsistent with what was set forth in the registrant's application; or

(f) The Commission finds that the frequency coordination exhibit, upon which the granted registration is based, is incomplete or does not conform with established coordination procedures.

§ 25.163 Reinstatement.

(a) A station authorization terminated in whole or in part under the provisions of § 25.161 may be reinstated if the Commission, in its discretion, determines that reinstatement would best serve the public interest, convenience and necessity. Petitions for reinstatement will be considered only if:

(1) The petition is filed within 30 days after the expiration date set forth in § 25.161(a) or § 25.161(b), whichever is applicable;

(2) The petition explains the failure to file a timely notification or renewal application; and

(3) The petition sets forth with specificity the procedures that have been established to ensure timely filings in the future.

(b) A special temporary authorization shall automatically terminate upon the expiration date specified therein, or upon failure of the grantee to comply with any special terms or conditions set forth in the authorization. Temporary operation may be extended beyond the termination date only upon application to the Commission.

[56 FR 24016, May 28, 1991, as amended at 81 FR 55334, Aug. 18, 2016]

§ 25.164 Milestones.

(a) The recipient of an initial license for a GSO space station, other than a DBS or SDARS space station, granted on or after August 27, 2003, must launch the space station, position it in its assigned orbital location, and operate it

in accordance with the station authorization no later than five years after the grant of the license, unless a different schedule is established by Title 47, Chapter I, or the Commission.

(b) The recipient of an initial license for an NGSO satellite system, other than a DBS or SDARS satellite system, granted on or after September 11, 2003, must launch the space stations, place them in the assigned orbits, and operate them in accordance with the station authorization no later than six years after the grant of the license, unless a different schedule is established by Title 47, Chapter I, or the Commission.

(c)–(e) [Reserved]

(f) A licensee subject to the requirements in paragraph (a) or (b) of this section must either demonstrate compliance with the applicable requirement or notify the Commission in writing that the requirement was not met, within 15 days after the specified deadline. Compliance with a milestone requirement in paragraph (a) or (b) of this section may be demonstrated by certifying pursuant to § 25.121(d) that the space station(s) in question, has, or have, been launched and placed in the authorized orbital location or non-geostationary orbit(s) and that in-orbit operation of the space station or stations has been tested and found to be consistent with the terms of the authorization.

(g) Licensees of satellite systems that include both NGSO satellites and GSO satellites, other than DBS and SDARS satellite systems, must meet the requirement in paragraph (a) of this section with respect to the GSO satellite(s) and the requirement in paragraph (b) of this section with respect to the NGSO satellites.

(h) In cases where the Commission grants a satellite authorization in different stages, such as a license for a satellite system using feeder links or inter-satellite links, the earliest of the milestone schedules will be applied to the entire satellite system.

[68 FR 51507, Aug. 27, 2003, as amended at 69 FR 51587, Aug. 20, 2004; 79 FR 8320, Feb. 12, 2014; 81 FR 55334, Aug. 18, 2016]

§ 25.165 Surety bonds.

(a) For all space station licenses issued after September 20, 2004, other than licenses for DBS space stations, SDARS space stations, and replacement space stations as defined in paragraph (e) of this section, the licensee must post a bond within 30 days of the grant of its license. Failure to post a bond will render the license null and void automatically.

(1) An NGSO licensee must have on file a surety bond requiring payment in the event of default as defined in paragraph (c) of this section, in an amount, at a minimum, determined according to the following formula, with the resulting dollar amount rounded to the nearest \$10,000: $A = \$1,000,000 + \$4,000,000 * D/2192$, where A is the amount to be paid and D is the lesser of 2192 or the number of days that elapsed from the date of license grant until the date when the license was surrendered.

(2) A GSO licensee must have on file a surety bond requiring payment in the event of default as defined in paragraph (c) of this section, in an amount, at a minimum, determined according to the following formula, with the resulting dollar amount rounded to the nearest \$10,000: $A = \$1,000,000 + \$2,000,000 * D/1827$, where A is the amount to be paid and D is the lesser of 1827 or the number of days that elapsed from the date of license grant until the date when the license was surrendered.

(3) Licensees of satellite systems including both NGSO space stations and GSO space stations that will operate in the same frequency bands must file a surety bond requiring payment in the event of default as defined in paragraph (c) of this section, in an amount, at a minimum, to be determined according to the formula in paragraph (a)(1) of this section.

(b) The licensee must use a surety company deemed acceptable within the meaning of 31 U.S.C. 9304 *et seq.* (*See, e.g.,* Department of Treasury Fiscal Service, Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and As Acceptable Reinsurance Companies, 57 FR 29356, July 1, 1992.) The bond must name the U.S. Treasury as beneficiary in the event of the licensee's default. The licensee must provide the Commis-

sion with a copy of the performance bond, including all details and conditions.

(c) A licensee will be considered to be in default with respect to a bond filed pursuant to paragraph (a) of this section if it surrenders the license before meeting all milestone requirements or if it fails to meet any milestone deadline set forth in §25.164, and, at the time of milestone deadline, the licensee has not provided a sufficient basis for extending the milestone.

(d) [Reserved]

(e) A replacement space station is one that:

(1) Is authorized to operate at an orbital location within $\pm 0.15^\circ$ of the assigned location of a GSO space station to be replaced or is authorized for NGSO operation and will replace an existing NGSO space station in its authorized orbit;

(2) Is authorized to operate in the same frequency bands, and with the same coverage area as the space station to be replaced; and

(3) Is scheduled to be launched so that it will be brought into use at approximately the same time as, but no later than, the existing space station is retired.

(f) An applicant that has submitted a Coordination Request pursuant to §25.110(b)(3)(i) or an Appendix 30B filing pursuant to §25.110(b)(3)(ii) must obtain a surety bond in the amount of \$500,000 in accordance with the requirements in paragraph (b) of this section for licensees. The application will be returned as defective pursuant to §25.112 if a copy of the required bond is not filed with the Commission within 30 days after release of a public notice announcing that the Commission has submitted the Coordination Request or Appendix 30B filing to the ITU.

(g) An applicant will be considered to be in default with respect to a bond filed pursuant to paragraph (f) of this section if the applicant fails to submit a complete, acceptable license application pursuant to §25.110(b)(3)(iii) for the operation proposed in the initial application materials filed pursuant to §25.110(b)(3)(i) or (b)(3)(ii) within two

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years of the date of submission of the initial application materials.

[68 FR 51507, Aug. 27, 2003, as amended at 69 FR 51587, Aug. 20, 2004; 81 FR 55335, Aug. 18, 2016]

REPORTING REQUIREMENTS FOR SPACE STATION OPERATORS

§ 25.170 Annual reporting requirements.

All operators of U.S.-licensed space stations and operators of non-U.S.-licensed space stations granted U.S. market access must, on June 30 of each year, file a report with the International Bureau containing the following information:

(a) Identification of any space station(s) not available for service or otherwise not performing to specifications as of May 31 of the current year, any spectrum within the scope of the part 25 license or market access grant that the space station is unable to use, the cause(s) of these difficulties, and the date when the space station was taken out of service or the malfunction was identified; and

(b) A current listing of the names, titles, addresses, email addresses, and telephone numbers of the points of contact for resolution of interference problems and for emergency response. Contact personnel should include those responsible for resolution of short term, immediate interference problems at the system control center, and those responsible for long term engineering and technical design issues.

(c) Construction progress and anticipated launch dates for authorized replacement satellites.

NOTE TO § 25.170: Space station operators may also be subject to outage reporting requirements in part 4 of this chapter.

[79 FR 8321, Feb. 12, 2014]

§ 25.171 Contact information reporting requirements.

If contact information filed in space station application or pursuant to § 25.170(b) or § 25.172(a)(1) changes, the operator must file corrected information electronically in the Commission's International Bureau Filing System (IBFS), in the "Other Filings" tab of the station's current authorization file.

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The operator must file the updated information within 10 days.

[79 FR 8321, Feb. 12, 2014]

§ 25.172 Requirements for reporting space station control arrangements.

(a) The operator of any space station licensed by the Commission or granted U.S. market access must file the following information with the Commission prior to commencing operation with the space station, or, in the case of a non-U.S.-licensed space station, prior to commencing operation with U.S. earth stations.

(1) The information required by § 25.170(b).

(2) The call signs of any telemetry, tracking, and command earth station(s) communicating with the space station from any site in the United States.

(3) The location, by city and country, of any telemetry, tracking, and command earth station that communicates with the space station from any point outside the United States.

(4) Alternatively, instead of listing the call signs and/or locations of earth stations currently used for telemetry, tracking, and command, the space station operator may provide 24/7 contact information for a satellite control center and a list of the call signs of any U.S. earth stations, and the locations of any non-U.S. earth stations, that are used or may be used for telemetry, tracking, and command communication with the space station(s) in question.

(b) The information required by paragraph (a) of this section must be filed electronically in the Commission's International Bureau Filing System (IBFS), in the "Other Filings" tab of the space station's current authorization file. If call sign or location information provided pursuant to paragraph (a) of this section becomes invalid due to a change of circumstances, the space station operator must file updated information in the same manner within 30 days, except with respect to changes less than 30 days in duration, for which no update is necessary.

[79 FR 8321, Feb. 12, 2014]

§ 25.173 Results of in-orbit testing.

(a) Space station operators must measure the co-polarized and cross-polarized performance of space station antennas through in-orbit testing and submit the measurement data to the Commission upon request.

(b) Within 15 days after completing in-orbit testing of a space station licensed under this part, the operator must notify the Commission that such testing has been completed and certify that the space station's measured performance is consistent with the station authorization and that the space station is capable of using its assigned frequencies or inform the Commission of any discrepancy. The licensee must also indicate in the filing whether the space station has been placed in the assigned geostationary orbital location or non-geostationary orbit. If the licensee files a certification pursuant to this paragraph before the space station has been placed in its assigned orbit or orbital location, the licensee must separately notify the Commission that the space station has been placed in such orbit or orbital location within 3 days after such placement and that the station's measured performance is consistent with the station authorization.

[79 FR 8321, Feb. 12, 2014]

Subpart C—Technical Standards

SOURCE: 30 FR 7176, May 28, 1965; 36 FR 2562, Feb. 6, 1971, unless otherwise noted.

§ 25.201 [Reserved]

§ 25.202 Frequencies, frequency tolerance, and emission limits.

(a)(1) *Frequency band.* The following frequencies are available for use by the Fixed-Satellite Service. Precise frequencies and bandwidths of emission shall be assigned on a case-by-case basis. Refer to the U.S. Table of Frequency Allocations, 47 CFR 2.106, including relevant footnotes, for band-specific use restrictions and coordination requirements. Restrictions and coordination conditions not mentioned in the Table of Frequency Allocations are set forth in the annotations to the following list:

Space-to-Earth (GHz)	Earth-to-space (GHz)
3.6–3.65	⁶ 5.091–5.25
3.65–3.7	5.85–5.925
3.7–4.2	5.925–6.425
4.5–4.8	6.425–6.525
6.7–7.025 ⁶	6.525–6.7
7.025–7.075	6.7–7.025
10.7–11.7 ⁶	7.025–7.075
11.7–12.2	12.7–12.75
12.2–12.7	⁶ 12.75–13.25
18.3–18.58	13.75–14
18.58–18.8	14–14.2
18.8–19.3	14.2–14.5
19.3–19.7	⁶ 15.43–15.63
19.7–20.2	17.3–17.8
37.5–40 ¹	24.75–25.05
40–42	25.05–25.25
	⁷ 27.5–28.35
	² 28.35–28.6
	³ 28.6–29.1
	⁴ 29.1–29.25
	⁵ 29.25–29.5
	² 29.5–30.0
	47.2–50.2

¹Use of this band by the FSS is limited to gateway earth station operations, provided the licensee under this Part obtains a license under part 101 of this chapter or an agreement from a part 101 licensee for the area in which an earth station is to be located. Satellite earth station facilities in this band may not be ubiquitously deployed and may not be used to serve individual consumers.

²This band is primary for GSO FSS and secondary for NGSO FSS.

³This band is primary for NGSO FSS and secondary for GSO FSS.

⁴This band is primary for NGSO MSS feeder links and LMDS hub-to-subscriber transmission.

⁵This band is primary for NGSO MSS feeder links and GSO FSS.

⁶Use of this band by NGSO FSS systems is limited to transmissions to or from gateway earth stations.

⁷FSS is secondary to LMDS in this band.

(2) [Reserved]

(3) The following frequencies are available for use by the non-voice, non-geostationary mobile-satellite service:

- 137–138 MHz: Space-to-Earth
- 148–150.05 MHz: Earth-to-space
- 399.9–400.05 MHz: Earth-to-space
- 400.15–401 MHz: Space-to-Earth

(4)(i) The following frequencies are available for use by the 1.6/2.4 GHz Mobile-Satellite Service:

- 1610–1626.5 MHz: User-to-Satellite Link
- 1613.8–1626.5 MHz: Satellite-to-User Link (secondary)
- 2483.5–2500 MHz: Satellite-to-User Link

(ii) The following frequencies are available for use by the 2 GHz Mobile-Satellite Service: 2000–2020 MHz: User-to-Satellite Link; 2180–2200 MHz: Satellite-to-User Link.

(iii)(A) The following frequencies are available for use by the 1.5/1.6 GHz Mobile-Satellite Service:

- 1525–1559 MHz: space-to-Earth
- 1626.5–1660.5 MHz: Earth-to-space